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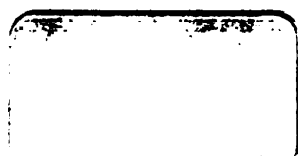
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Indiana Collection

Original

L A W S

OF THE

STATE OF INDIANA,

PASSED AT

THE SPECIAL SESSION

OF THE

GENERAL ASSEMBLY,

BEGUN ON THE 13TH DAY OF NOVEMBER, A. D. 1872.

.....

BY AUTHORITY.

INDIANAPOLIS:

B. J. BRIGHT, STATE PRINTER.

1872.

361371

YNA 361 00 1412

L A W S.

CHAPTER I.

AN ACT appropriating seventy-five thousand dollars to defray the expenses of the Special Session of 1872 of the General Assembly of the State of Indiana.

[APPROVED NOVEMBER 22, 1872.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That seventy-five thousand dollars be and the same is hereby appropriated to defray the expenses of the present General Assembly.

Appropriates \$75,000 to defray expenses of Special Session of General Assembly.

SEC. 2. That it shall be the duty of the Auditor of State to audit the accounts and issue his warrants upon the Treasurer of State for the per diem and mileage of Senators and Representatives, as allowed by law; and also such allowances as may be provided by either House or Senate, by resolution, upon the certificate, in case of Senators, of the President of the Senate, in case of Representatives, upon the certificate of the Speaker of the House, setting forth the time served; and the amount of mileage, and allowance to which such Senator or Representative may be entitled.

The Auditor of State to audit accounts and issue warrants for the per diem and mileage of members, and also such allowances as may be provided.

President of the Senate and Speaker of the House to certify to the accounts of their respective Houses.

SEC. 3. That it shall be the duty of said Auditor to audit the accounts, and issue his warrants upon the Treasurer of State, for the per diem of the officers of the Senate and of the House of Representatives, and their assistants and appointees, including clerks and other assistants to committees, and stationary clerks of the Secretary, Auditor, and Treasurer of State, appointed by authority of either House. The pay of the employees shall be as follows: Of the principal and assistant secretaries of the Senate, and principal and assistant clerks of the House, and their assistants, five dollars per day each; of the principal doorkeepers and their assistants of the Senate and House, five dollars per day each; of other employees of the doorkeepers of the Senate

The Auditor of State to audit accounts and issue warrants for the per diem of officers of Senate and House, and their assistants and appointees.

Principal and assistant clerks to receive \$5 per day.

Doorkeepers and assistants \$5 per day.

Pages \$3 per day
Clerks of Presi-
dent of Senate
and Speaker of
House \$5 per day
Emergency de-
clared.

and House, five dollars per day each; of pages, three dollars per day each; of the clerks of the President of the Senate and Speaker of the House, five dollars per day each.

SEC. 4. As no appropriation has been made for the above purposes, it is declared an emergency exists for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

CHAPTER II.

AN ACT authorizing an appropriation of money out of the State Treasury, for the use of the Indiana University, located at Bloomington, Monroe County, in paying debts created by borrowing money for current expenses in the years 1870 and 1871.

[APPROVED DECEMBER 14, 1872.]

Preamble.

WHEREAS, For the years 1870 and 1871 the incomes of Indiana University were insufficient to meet the current expenses of said institution;

AND WHEREAS, To meet such expenses and to keep the several departments of the said University in operation during those years, the Board of Trustees of the said University were compelled to borrow a large amount of money, to wit, eight thousand dollars, and thus create a debt against the said institution; now, therefore, to provide the means of paying said debt,

\$8,000 appropri-
ated to pay debt
of University.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there be appropriated out of the State Treasury eight thousand dollars, to be used in payment of the said debt described in the preamble of this act; said money shall be paid out of said treasury on the warrants of the Auditor of State, who shall issue such warrants upon the call of the President of the Board of Trustees of said University, made in pursuance of the order of said board.

Warrant to be is-
sued by Auditor
of State on call
of President of
University.

Emergency de-
clared.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

CHAPTER III.

AN ACT to make certain specific appropriations therein mentioned.

[APPROVED DECEMBER 10, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there is hereby appropriated the following sums, for the following purposes, to the following persons, viz.: To the State Normal School, to be paid to the Treasurer of its Board of Trustees, the sum of four thousand dollars, to pay money borrowed to meet current expenses; to the Governor, the sum of eleven hundred and ninety-nine dollars and eleven cents, to enable him to pay that amount borrowed and paid to J. L. Frankem & Co., in payment of tin roof, gutters, etc., on Supreme Court room building; to the State Prison, South, the sum of seven thousand dollars to enable it to pay that sum borrowed in 1871, by the Directors and Warden, to meet current expenses and pay their existing indebtedness; to the Indiana House of Refuge, the sum of eighteen thousand eight hundred and eighty-one dollars and sixty-two cents, to pay money borrowed; the further sum of thirty-five hundred dollars, to pay other indebtedness for supplies, and the further sum of four thousand dollars, to meet current expenses up to the end of the fiscal year, to wit, April 1, 1873.

\$4,000 appropriated to the State Normal School to pay borrowed money.

\$1,199.11 appropriated to pay money borrowed of J. L. Frankem & Co. for tin roof, etc., on Supreme Court room building.

\$7,000 appropriated for the State Prison South, to pay borrowed money in 1871.

\$18,881.62 appropriated for the Indiana House of Refuge to pay borrowed money.

\$4,500 appropriated to pay indebtedness for supplies.

\$4,000 appropriated to meet current expenses. Emergency.

SEC. 2. An emergency is hereby declared to exist, and this act shall be in force from and after its passage.

CHAPTER IV.

AN ACT making specific appropriations for the years one thousand eight hundred and seventy-one and eighteen hundred and seventy-two.

[APPROVED DECEMBER 21, 1872.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That R. J. Bright and Company be allowed the sum of one thousand four hundred and seven dollars and fifty-two cents, for newspapers furnished to the General Assembly of 1871, to wit: 7,071 copies of the

\$1,407.52 appropriated to R. J. Bright & Co.

Daily Sentinel, 10,540 copies of the Daily Sentinel, wrapped and stamped, and 2,545 copies of the Weekly Sentinel, wrapped and stamped.

The Indianapolis Journal Company.

SEC. 2. That the Indianapolis Journal Company be allowed the sum [of] one thousand four hundred and thirty-one dollars and ninety-one cents, for newspapers furnished to the General Assembly of 1871, to-wit: 7,071 copies of the Daily Journal, 10,540 copies of the Daily Journal, wrapped and stamped, and 2,545 copies of the Weekly Journal, wrapped and stamped, and seven hundred roll calls.

Indianapolis Commercial Company.

SEC. 3. That the Indianapolis Commercial Company be allowed the sum of seventy-eight dollars for 104 copies of the Indianapolis Daily Commercial, 15 days, to General Assembly of 1871.

Julius Boetticher.

SEC. 4. That Julius Boetticher be allowed the sum of four hundred and sixty-five dollars and ninety-five cents for 10 copies of the Weekly Indiana Volksblatt, during two weeks, to General Assembly of 1871, and for six copies, during six weeks, to said General Assembly.

The Guttenberg Company.

SEC. 5. That the Guttenberg Company be allowed the sum of three hundred and twenty-three dollars and forty-four cents, for 1,768 copies of the Daily Telegraph, and 624 copies of the Weekly Telegraph, furnished to the General Assembly of 1871.

W. B. Vickers.

SEC. 6. That W. B. Vickers be allowed the sum of fifty dollars and forty cents, for 630 copies of the Saturday Evening Mirror, wrapped and stamped, to the General Assembly of 1871.

John Brownlee.

SEC. 7. That John Brownlee be allowed the sum of one thousand dollars, for services in behalf of the State in the Grant County Circuit Court, and in procuring an act of Congress to tax lands known as the Me-shingo-me-sha reserve.

John G. Greenwalt.

SEC. 8. That John G. Greenwalt be allowed the sum of fifteen hundred dollars, for extra services as Adjutant-General of Indiana.

The People.

SEC. 9. That "The People" be allowed the sum of thirty-two dollars and ninety-six cents for 412 copies of "The People," wrapped and stamped, furnished to the General Assembly of 1871.

Stearns Fisher.

SEC. 10. That Stearns Fisher be allowed the sum of fifty-two dollars and fifty cents, for services in making up pay accounts of the Indiana Legion and Minute Men, in the year 1867.

Judson Applegate.

SEC. 11. That Judson Applegate be allowed the sum of fifty dollars, for services as witness before a committee of the House of Representatives, in the matter of the examination of the surplus revenue of the county of Carroll; also, for similar service, fifty dollars be allowed to Bernard

D. Daily, seventy-five dollars to C. B. Garrett, fifty dollars to Joseph A. Sims, and twenty-seven dollars and sixty cents to William Dunkle.

Bernard D. Daily,
O. B. Garrett,
Joseph A. Sims.
Wm. Dunkle.

SEC. 12. That Eliza Blake be allowed the sum of two hundred and fifty dollars, to reimburse the expenses of her husband, James Blake, deceased, as State Commissioner of the Gettysburg Cemetery and Monument Association.

Eliza Blake.

SEC. 13. That Jonathan W. Gordon be allowed the sum of seven hundred and fifty dollars, for attorney's fees in [the] suit of Auditor of State against the State of Indiana, in relation to the specific appropriation bill of 1869.

Jonathan W.
Gordon.

SEC. 14. That William Williams be allowed eighty dollars, for rent of room for committee on fees and salaries, General Assembly of 1871.

William Wil-
liams.

SEC. 15. That E. P. Beauchamp be allowed thirty dollars, for summoning witnesses in the case of the State of Indiana against Joseph Evans and William Dunkle, executors of Samuel Grimes, in the Circuit Court of Carroll county.

E. P. Beau-
champ.

SEC. 16. That Charles W. Wrightson be allowed the sum of forty dollars, for services as clerk on committee investigating surplus revenue of Carroll county.

Charles W.
Wrightson.

SEC. 17. That W. P. and E. P. Gallup be allowed one hundred dollars, for rent of three rooms for committees of General Assembly of 1871.

W. P. & E. P.
Gallup.

SEC. 18. That Henry Coleman be allowed fifteen dollars for cleaning the Governor's mansion, session of the General Assembly of 1867.

Henry Coleman.

SEC. 19. That James N. Kimball be allowed two hundred and fifty dollars, for services as attorney, attending suit of Samuel A. Huff against the Treasurer of State.

James N. Kim-
ball.

SEC. 20. That John H. Holliday be allowed twenty-seven dollars and thirty cents, for newspapers furnished thirteen days to the General Assembly of 1871.

John H. Holli-
day.

SEC. 21. That Newcomb, Mitchell and Ketcham, attorneys, be allowed two hundred dollars, for legal services on behalf of the State, investigating history and ownership of the Jeffersonville and Madison Railroad, Central Canal, Whitewater Valley Canal, and New Albany and Vincennes Turnpike Company, and services in the case of Shannon vs. Conrad Baker, Governor.

Newcomb, Mit-
chell & Ketch-
am.

SEC. 22. That John H. Farquhar, Secretary of State, be allowed one thousand dollars per year, for the years 1871 and 1872, to defray incidental expenses of the office of Secretary of State.

John H. Farqu-
har.

SEC. 23. That Bayless W. Hanna, late Attorney General, be allowed two thousand and five hundred dollars, in full for all extra services rendered by him on behalf of the State during his entire term of office.

Bayless W. Han-
na.

H. S. Barnaby,
Warren Tebbe,
E. B. Myers,
John D. Simp-
son, W. T. Strick-
land, J. H. Rud-
dell and Isaiah
Donham.

SEC. 24. That fifty dollars each be allowed to the following named persons, members of the committee on the affairs of the State Prison, as mileage, during the session of the General Assembly of 1871, to-wit: Henry S. Barnaby, Warren Tebbe, E. B. Myers, John D. Simpson, William T. Strickland, James H. Ruddell, and Isaiah Donham.

John G. Han-
ning.

SEC. 25. That John G. Hanning be allowed fifty-one dollars and fifty cents for repairing gas fixtures in State House.

Hendricks, Hord
& Hendricks.

SEC. 26. That Hendricks, Hord and Hendricks, attorneys, be allowed seven hundred and fifty dollars, for legal services on behalf of the State in relation to Internal Improvement Bonds.

Republican
State Central
Committee.

SEC. 27. That the Republican State Central Committee be allowed sixty dollars and seventy-five cents for rent of rooms for the use of standing and special committees of the House, General Assembly of 1872.

Indianapolis
Journal Co.

SEC. 28. That the Indianapolis Journal Company be allowed eight hundred and seventy-six dollars and fifty-six cents, amount of bill for newspapers furnished to House of Representatives, 1872.

The Guttenberg
Company.

SEC. 29. That the Guttenberg Company be allowed seven hundred and fifty-seven dollars and five cents, for three hundred and nine copies of the Daily Telegraph, for House of Representatives, 1872.

Indianapolis
Sentinel Com-
pany.

SEC. 30. That the Indianapolis Sentinel Company be allowed eight hundred and seventy-six dollars and fifty-six cents, amount of bill for newspapers furnished to House of Representatives, 1872.

Singer Manufac-
turing Company

SEC. 31. That the Singer Manufacturing Company be allowed thirteen dollars and thirty-three cents for rent of room for Committee on Organization of Courts.

Julius Boettli-
cher.

SEC. 32. That Julius Boetticher be allowed the sum of one hundred and eight dollars and fifteen cents for three hundred and nine copies of the Weekly Volksblatt furnished the members of the Extra Session, at seven cents per copy, wrapped and stamped.

Appropriations
to be paid out of
the Treasury.

SEC. 33. That the appropriations herein made be paid out of any moneys in the treasury not otherwise appropriated.

Thomas G. Rich-
ey.

SEC. 34. That Thomas G. Richey be allowed the sum of fifty dollars for his services as constable in serving witnesses in the case of Hon. J. W. Burson, contest at the last regular session of the Legislature.

Joselyn Bros. &
Co.

SEC. 35. That Joselyn Bros. & Company be allowed the sum of one hundred and forty dollars, for rent of rooms for Senate Committees during the last regular session of the Legislature.

SEC. 36. That McCoy and Root be allowed the sum of

five dollars for coal furnished Senate Committee December 2, 1872. McCoy & Root.

SEC. 37. That the Indianapolis Journal Company be allowed the sum of six hundred and fifty-five dollars and three cents, for copies of the Indianapolis Journal wrapped and stamped, roll calls and cards with Senators' address, furnished the Senate at its last regular session. Indianapolis Journal Co.

SEC. 38. That Richard J. Bright & Company be allowed the sum of six hundred and thirty-six dollars and fifty-two cents, for copies of the Sentinel furnished to the Senate at the last regular session. Richard J. Bright & Co.

SEC. 39. That George D. Farrar be allowed the sum of seventeen dollars and twenty cents for his attendance as a witness in the J. W. Burson contest case at the last regular session of the Legislature. George D. Farrar.

SEC. 40. That Julius Boetticher be allowed the sum of two hundred and eleven dollars and twenty cents, for copies of the Volksblatt wrapped [wrapped] and stamped, furnished the Senate at its last regular session of the Legislature. Julius Boetticher.

SEC. 41. That Alfred Thompson be allowed the sum of one hundred and sixty-four dollars and forty cents, for purchase money and interest thereon for lands purchased of the State of Indiana, on account of the failure of title. Alfred Thompson.

SEC. 42. That William Burris be allowed the sum of twenty dollars, for provisions furnished Company "A," 84th Regiment Indiana Vols., in August 11, 1862. William Burris.

SEC. 43. That Sarah H. and Mary J. Ketcham be allowed the sum of eighty-nine dollars, for purchase money and interest thereon for lands purchased of the State, on account of failure of title. Sarah H. and Mary J. Ketcham.

SEC. 44. That the Indianapolis Sentinel Company be allowed the sum of six hundred and twenty-six dollars and twelve cents, for papers furnished the Senate wrapped [wrapped] and stamped, and for services of short-hand reporter at the special session of the Legislature, 1872. Indianapolis Sentinel Co.

SEC. 45. That Charles W. Stagg be allowed the sum of eight hundred and eighty dollars, for his services as short-hand reporter during the last session of the Legislature, on the trial of J. W. Burson contest. Charles W. Stagg.

SEC. 46. That the Guttenberg Company be allowed the sum of six hundred and eighty-seven dollars and forty cents, for papers furnished the Senate during the special session of the Legislature, 1872. Guttenberg Company.

SEC. 47. That Frank M. Hawkins be allowed the sum of one hundred and fifteen dollars and fifty cents, for six issues of the National Beacon, two hundred and seventy-five copies each, furnished the Senate during the special session of the Legislature, 1872. Frank M. Hawkins.

Indianapolis Journal Co.

SEC. 48. That the Indianapolis Journal Co. be allowed the sum of six hundred and twenty-six dollars and twelve cents, for copies of the Indianapolis Journal wrapped and stamped, furnished the Senate at the special session of the Legislature, 1872.

Guttenberg Company.

SEC. 49. That Guttenburg Company be allowed the sum of four hundred and ninety-five dollars, for copies of the Daily Telegraph furnished the Senate during the session of the Legislature, 1871.

Senators Dittmore, Hadley, Dougherty, Hamilton and Wadge.

SEC. 50. That Senators Dittmore, Hadley, Dougherty, Hamilton and Wadge be allowed the sum of thirty dollars each for their expenses incurred in going to Dayton, Ohio, as the Military Committee at the last regular session of the Legislature.

T. A. Goodwin.

SEC. 51. That T. A. Goodwin be allowed the sum of forty-two dollars and sixty cents for copies of the Indiana American furnished at the last regular session of the Legislature.

Senators Williams, Dittmore, Wadge, Denbo and Robinson.

SEC. 52. That Senators Williams, Dittmore, Johnson, Wadge, Denbo and Robinson be allowed the sum of thirty dollars each, for their expenses in making two trips to the "Southern Prison," to investigate the affairs of the same, at the last regular session of the Legislature.

M. G. Lee.

SEC. 53. That M. G. Lee be allowed the sum of thirty dollars, for Commercials furnished at the last regular session of the Legislature.

Julius Boetticher.

SEC. 54. That Julius Boetticher be allowed the sum of thirty-six dollars and twenty-five cents, for two hundred and seventy-five copies of the Weekly Volksblatt furnished the Senate during the extra session of the Legislature, 1872.

Guttenberg Co.

SEC. 55. That Guttenburg Co. be allowed the sum of four hundred and seventy-six dollars and sixty cents, for copies of the Telegraph furnished the Senate during the regular session of the Legislature.

Yelkey L. Jones

SEC. 56. That Yelkey L. Jones be allowed the sum of thirteen dollars and eighty-five cents, for work and repairing done in and about Senate Chamber during the special session of the Legislature, 1872.

Emergency.

SEC. 57. It is hereby declared that an emergency exists for the passage and taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

CHAPTER V.

AN ACT to provide for the payment of sundry bonds or stocks of the State of Indiana issued prior to the year 1841, and declaring an emergency.

[APPROVED DECEMBER 12, 1872.]

WHEREAS, There are still outstanding one hundred and ninety-one old bonds or certificates of stocks issued by and under the authority of the laws of this State prior to the year 1841, upon some of which no interest has been paid since January, 1841, and upon others of which the interest has been settled up to July, 1868, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor, Attorney General, Secretary of State, and Treasurer of State, or a majority of them, be, and they are hereby authorized and empowered to take up and redeem said bonds, (with the coupons thereto belonging), mentioned in or contemplated by the preamble to this act, and for that purpose a sum of money sufficient to accomplish the object is hereby appropriated; the sum to be drawn from the Treasury on warrants of the Auditor, in such sums and at such times as the Governor, Attorney General, Secretary of State, and Treasurer of State, shall, from time to time, in writing, order or direct; every such direction stating the amount to be drawn and the purpose for which it shall be used, and every sum thus drawn shall be applied by the Treasurer of State, under the direction of the Governor, Attorney General and Secretary of State to the purposes for which it shall have been drawn.

SEC. 2. No money shall be drawn from the Treasury by virtue of this act over and above what may be necessary to pay and redeem one hundred and ninety-one bonds (and their coupons), such as are described in the preamble to this act, and such bonds shall be redeemed in the order of their presentation at the Treasury of State for redemption: *Provided*, That no bond or coupon shall be paid or redeemed until it shall have become due and payable according to the tenor and effect thereof.

SEC. 3 It shall be the duty of the Governor, Attorney General, Secretary of State and Treasurer of State to exercise the utmost scrutiny in testing the genuineness and validity of each bond and coupon which may be presented for redemption under the provisions of this act, and no bond or coupon shall be paid or redeemed unless the same is surren-

Preamble.

The Governor, Attorney General, Secretary of State and Treasurer authorized to redeem said bonds.

Appropriation for the purpose.

Auditor to draw his warrant as they shall direct.

Direction to state amount, etc.

No more money to be drawn than is necessary to pay 191 bonds and their coupons.

Provided.

Scrutiny to be used as to genuineness of bond and coupon.

No bond or coupon to be paid until surrendered to the Treasurer of State.

To be preserved by the Treasurer and be subject to the disposition of the General Assembly.

The Governor, Attorney General, Secretary of State and Treasurer to prepare a detailed description of the bonds and coupons redeemed, and file the same in the office of the Auditor of State, which shall be recorded by the Auditor.

A temporary loan authorized.

dered to the Treasurer of State at the time of redemption, and the bonds and coupons so redeemed shall be preserved by the Treasurer of State, and be subject to such disposition as the General Assembly may hereafter cause to be made thereof, and the Governor, Attorney General, Secretary of State, and Treasurer of State shall immediately, after making any redemption under this act, prepare and sign a detailed description of the bonds and coupons so redeemed with the date of their redemption, and such description shall be filed in the office of the Auditor of State, and shall be recorded by him in some book to be provided and kept for that purpose.

SEC. 4. If at any time there shall not be money enough in the Treasury, not otherwise appropriated, to enable the officers of State, heretofore mentioned, to carry out the provisions of this act, then, and in that case, it shall be lawful for the said officers of State to negotiate and make for, and on behalf of the State, a temporary loan or loans of such sum or sums of money as may be necessary, not however, exceeding in the aggregate the sum of two hundred thousand dollars, on the best attainable terms, such loan or loans to be payable at the expiration of forty days from and after the commencement of the next succeeding session of the General Assembly.

Emergency.

SEC. 5. An emergency is hereby declared to exist requiring the immediate taking effect of this act; wherefore the same shall take effect and be in force from and after its passage.

CHAPTER VI.

A BILL touching public squares in towns laid out, platted and recorded, with public grounds, not specifically dedicated, and the matter therewith connected.

[TOOK EFFECT WITHOUT EXECUTIVE APPROVAL, BY LAPSE OF TIME, DECEMBER 27, 1872.]

When a public square shall be taken by common consent of citizens, and express consent of grantor, for educational purposes, five or more freehold citizens or the corporation may petition County Commissioners for said square

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any town in this State, laid off, platted and recorded, with streets, lanes and alleys, lots and a public square, with no other public use expressed on such plat than "public square," by the donor or grantor, and when the citizens of such town, by common consent of people, and the express consent of the grantor, have taken possession of said public square for educational purposes, erected thereon lasting and valuable school buildings, and the citi-

zens being desirous of retaining and occupying the same for educational purposes, and that the same shall be dedicated to such use, may, by five or more freehold citizens of such town, or if an incorporated town, by her corporation, petition the board of county commissioners for the proper county, giving a distinct description of the public square to be granted to the public for educational purposes, which petition shall be filed with the county auditor, thirty days previous to the sitting of such board, and notice of the pendency of said petition shall be given for the same space of time in a public newspaper, printed in said county, if any there be, and by printed or written notices thereof, set up in three public places near the public square mentioned in the petition.

to be granted for said purpose.

Said petition to be filed with the County Auditor thirty days before setting of said Board, and notice of pendency for same time given in public newspaper, and by printed or written notices in 3 public places near said square

SEC. 2. If no opposition be made to such petition, the board of county commissioners may grant the prayer of petitioner or petitioners, as the case may be, and declare the same dedicated for educational purposes, in accordance with the petition, and to have the same effect as if said public square had been so marked and dedicated upon the original plat of such town. But if opposition be made before the board of county commissioners, before final action had, such application shall be continued until the next term of the board, when, if the objector consent to such petition, or if two-thirds of all the real estate holders of the town petition therefor, the board shall grant the prayer of the petition.

If no opposition be made, the Board may grant the prayer of the petition, etc.

If opposition be made, the application shall be continued to next term, when if the objector consents or two-thirds of all the real estate holders of the town petition for the same, the petition shall be granted.

SEC. 3. Inasmuch as there is no law now regulating and dedicating a remedy in such cases, it is declared that an emergency exists for the immediate taking effect of this act, and the same shall therefore be in force from and after its passage.

Emergency.

CHAPTER VII.

A BILL to legalize the official acts of the Board of Trustees of the town of Huntingsburg, Dubois County, Indiana, and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.

[TOOK EFFECT WITHOUT EXECUTIVE APPROVAL, BY LAPSE OF TIME, DECEMBER 27, 1872.]

WHEREAS, Said town of Huntingsburg was duly and legally incorporated under and in pursuance of the above entitled act;

Preamble.

AND WHEREAS, Some doubts exist as to the regularity and legality of the order of the Board of Trustees of said

town of Huntingburg for the assessment of taxes for corporation and school purposes, and to the legality of said assessment made pursuant to said order ;
AND WHEREAS, By reason of said doubt the educational and other interests of said town are suffering, therefore,

Orders of said Board of Trustees of assessment of property for taxation for school and other purposes, and the rules, by-laws and regulations for government of said town legalized and made valid.

Proviso.

Original plat of said town, map and ordinances of same received and admitted as evidence in all courts, etc.

Emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the orders of said Board of Trustees of the town of Huntingburg, in the County of Dubois, of the assessment of property therein for taxation for school and all other purposes, as well as the rules, by-laws and regulations for the government of said town heretofore made and done by the officers of said town, be and the same are hereby legalized and made valid ; *And provided further*, That said original plat of said town and the map and all ordinances of the same shall be received and admitted as competent evidence in all courts for the purpose of attesting the acts of the said Board of Trustees, and for all purposes whatsoever for which they may be required in all courts of law.

SEC. 2. An emergency exists for the immediate taking effect of this act, it shall therefore be in full force and effect from and after its passage.

CHAPTER VIII.

A BILL authorizing cities and towns, incorporated under the authority of the State of Indiana, to make and adopt a survey and plat thereof, when there is no sufficient survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made, and declaring an emergency.

[TOOK EFFECT WITHOUT EXECUTIVE APPROVAL, BY LAPSE OF TIME, DECEMBER 27, 1872.]

Common Council of any incorporated city may, by a two-thirds vote, when a sufficient survey and plat has not been made, direct such to be made, and when made, may, by a like order, adopt the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, that any city incorporated under the authority of this State, that has no sufficient survey and plat thereof, may by a resolution of the common council thereof, adopted by a vote of ayes and nays, providing two-thirds of all the members of such council shall vote therefor, order and direct that a survey and plat of such city shall be made by competent persons, to be chosen by such council ; and when any such survey and plat shall have been made, the common council of such city, may adopt such survey and plat, by resolution, by a vote of ayes and nays, providing three-fourths of all the members of such common council shall vote therefor ; and when a certified copy of

the resolution ordering such survey and adopting the same, with the vote thereon, and the names of the members voting for and against the same, signed by the Mayor and Clerk, and attested by the seal of such City, shall have been recorded together with the survey and plat, in the office of the Recorder of the County in which such city may be located, the said survey and plat shall be deemed and taken as adopted by such city, for all purposes whatsoever; and the original or the record thereof, or any duly certified copy thereof, shall be admissible in evidence in any judicial proceeding in all courts of justice in all cases and for all purposes.

SEC. 2. Whenever any survey and plat of any city shall have heretofore been made, and such city may desire to adopt the same, it shall be competent for such city to do so by resolution of the common council thereof, by a vote of yeas and nays, providing three-fourths of all the members of such common council shall vote therefor; and when such resolution adopting the said survey and plat, with the names of the members voting for and against the same, duly authenticated as provided in section one of this act, shall have been recorded with the said survey and plat, in the office of the Recorder of Deeds of the County in which such city is located, the same shall be deemed and taken as adopted by such city for all purposes whatsoever, and the original plat and survey or the record thereof or any copy thereof, duly authenticated by the Mayor and Clerk, under their hands, and attested by the seal of such city, shall be admissible in evidence in any judicial proceeding in all courts of justice in all cases and for all purposes.

SEC. 3. The original survey and plat when recorded by the Recorder shall be deposited in the office of the clerk of such city for safe keeping.

SEC. 4. The provisions of this act shall extend to all towns incorporated under the authority of this State, and in such incorporated towns as have a Board of Trustees instead of a Common Council, the duties required by this act to be performed by the Mayor shall be performed by the President of the Board of Trustees, and the duties required to be performed by the Common Council, shall be done and performed by the Board of Trustees thereof.

SEC. 5. Whereas certain cities and towns incorporated under the authority of this State are now without sufficient plats and surveys, and desire to adopt such without delay, and it being necessary and important the same should be done, an emergency is hereby declared for the immediate taking effect of this act, the same shall take effect and be in force from and after its passage.

Certified copy of the action and votes of Council signed by Mayor and Clerk and attested by seal, together with the survey and plat, shall be recorded in Recorder's office.

Said survey and plat to be deemed as adopted by said city, and the original, or certified copy, admissible in evidence.

Common Council may, by a two-thirds vote, adopt any survey and plat of city already made.

When such resolution, etc., shall have been recorded in Recorder's office, and survey and plat shall be taken and adopted by said city.

And the same when duly authenticated and attested be admissible in evidence.

Original survey and plat, after being recorded, to be deposited in Clerk's office.

The provisions of this act to extend to all incorporated towns. Where there is a Board of Trustees, instead of Common Council, the duties required of Mayor or to be performed by President of said Trustees, and the duties required of Common Council to be performed by said Trustees.

Emergency.

CHAPTER IX.

AN ACT to divide the State of Indiana into Congressional Districts.

[TOOK EFFECT WITHOUT EXECUTIVE APPROVAL, BY LAPSE OF TIME, DECEMBER 27, 1872.]

The State divided into thirteen Congressional Districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State shall be divided into thirteen districts for the election of Representatives in the Congress of the United States, each of which districts shall be entitled to one Representative.

Counties, limits and designation of each district.

SEC. 2. The counties, limits and designation of each district shall be as hereinafter set forth, that is to say:

First District.

SEC. 3. That the counties of Posey, Vanderburg, Warrick, Spencer, Perry and Gibson shall constitute the First District.

Second District.

SEC. 4. That the counties of Sullivan, Knox, Daviess, Greene, Martin, Orange, Crawford, Dubois and Pike shall constitute the Second District.

Third District.

SEC. 5. That the counties of Harrison, Floyd, Clarke, Washington, Jackson, Brown and Bartholomew shall constitute the Third District.

Fourth District.

SEC. 6. That the counties of Ohio, Switzerland, Jefferson, Scott, Jennings, Ripley, Decatur and Rush shall constitute the Fourth District.

Fifth District.

SEC. 7. That the counties of Dearborn, Franklin, Fayette, Union, Wayne and Randolph shall constitute the Fifth District.

Sixth District.

SEC. 8. That the counties of Johnson, Shelby, Hancock, Henry, Delaware, Madison and Grant shall constitute the Sixth District.

Seventh District.

SEC. 9. That the counties of Marion, Morgan, Hendricks and Putnam shall constitute the Seventh District.

Eighth District.

SEC. 10. That the counties of Lawrence, Monroe, Owen, Clay, Vigo, Parke and Vermillion shall constitute the Eighth District.

Ninth District.

SEC. 11. That the counties of Boone, Clinton, Montgomery, Fountain, Warren, Tippecanoe and Benton shall constitute the Ninth District.

Tenth District.

SEC. 12. That the counties of St. Joseph, LaPorte, Porter, Lake, Newton, Jasper, Starke, Pulaski, White and Carroll shall constitute the Tenth District.

Eleventh District.

SEC. 13. That the counties of Hamilton, Tipton, Howard, Cass, Fulton, Miami and Wabash shall constitute the Eleventh District.

SEC. 14. That the counties of Jay, Blackford, Wells, Adams, Allen, Whitley and Huntington shall constitute the Twelfth District.

SEC. 15. That the counties of Marshall, Kosciusko, Elkhart, LaGrange, Noble, DeKalb and Steuben shall constitute the Thirteenth District.

SEC. 16. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

CHAPTER X.

AN ACT regulating the sale of County property and the letting and buildings and bridges, fences and monuments, and declaring an emergency.

[APPROVED DECEMBER 23, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall not be lawful for any Board of County Commissioners in this State to make any contract for the construction of any court house, jail or other County or Township building or bridge, fence or monument, until a plan and specification have been adopted by such Board and such plan and specification have been deposited in the office of the Auditor of such county, and open to the inspection of the people of such county, and all contracts attempted to be made in violation of the foregoing provisions shall be null and void.

SEC. 2. When it shall become necessary for any Board of Commissioners of any county in the State to construct any court house, jail or other county or township building or bridge, fence or monument, and plans and specifications have been adopted and deposited in the office of the Auditor of such county, and open to public inspection, the said Board shall not contract for, or let the building of the same until they have advertised such letting and requested bids for the same, for at least six weeks, in at least one newspaper of general circulation in such county if any is printed therein, and by posting up notices of such building, with the time, plan, place and terms of the same, with a reference to such plans and specifications: *Provided,* That the provisions of this act shall not apply to bridges, buildings or fences when the cost of the same shall not exceed five hundred dollars.

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County Commissioners not to make contract for court houses, jail, etc., until plans and specifications have been adopted by said Commissioners and filed in Auditor's office.

All other contracts void.

No contract for any of said buildings to be made until advertisement has been made, etc.

Provide, This provision not to apply when cost of buildings, etc., shall not exceed \$5.00, etc.

Contract to be let to the lowest responsible bidder, etc.

SEC. 3. Whenever any Board of Commissioners of any county in this State shall have advertised the letting of any court house, jail or other county or township building or bridge, fence or monument, on the day fixed for such letting said Board shall let the same to the lowest responsible bidder on the terms in the notice mentioned, and on the plan and specification so deposited, as in this act provided, and the said Board shall require of such bidder a bond with two good freehold securities in a penalty of at least one fourth the cost of such work, conditioned for the faithful performance of such work according to the plan and specification so deposited, and the time, terms and conditions mentioned in said advertisement of letting; said bond shall be the only requirement said Commissioners may demand of such lowest responsible bidder as a qualification for said work.

Bond to be required of such bidder.

Commissioners not to sell county property except at public auction and advertisement, etc.

SEC. 4. The Board of County Commissioners shall not be authorized to sell any county property, either real or personal, except at public auction, after advertising said property for sale sixty days, giving the terms, time and place of sale, and a description of the property to be sold.

When the provisions of this act are not to apply.

SEC. 5. The provisions of this act shall not apply to the counties in this State wherein Boards of Commissioners have advertised lettings without the deposit of such plan and specification as in this act required; and where the advertisement is not in strict conformity to this act, and when the letting is not upon the plans and specifications previously filed.

Emergency.

SEC. 6. There being no law regulating the letting of public buildings, or sale of county property, an emergency is declared to exist in this case, therefore this act shall be in force from and after its passage.

CHAPTER XI.

AN ACT to fix the time of holding Circuit Courts, and the length of the terms thereof, in the several Counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for return of process thereto.

[APPROVED DECEMBER 21, 1872.]

Times of holding the Circuit Court in the Twelfth Judicial Circuit.

In White County.

In Newton County.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Circuit Courts in the counties comprising the Twelfth Judicial Circuit of the State of Indiana, shall be held as follows, to-wit: In the county of White on the second Mondays of February and August of each year; in the county of Newton on the first Mon-

days of March and September of each year; in the county of Jasper on the third Mondays of March and September of each year; in the county of Benton on the first Mondays of April and October of each year; and in the county of Tippecanoe on the second Mondays of April and October of each year.

In Jasper County.

In Benton County.

In Tippecanoe County.

SEC. 2. The said courts shall sit as follows: In the county of White three weeks; in the county of Newton two weeks; in the county of Jasper two weeks; in the county of Benton one week; *Provided*, the business of said courts shall so long require the sitting thereof; and in the county of Tippecanoe the courts shall sit as long as the business thereof shall require.

How long said Court shall sit in said Counties.

SEC. 3. All parties, witnesses, jurors, officers and other persons interested, shall take notice of this act: and all writs, subpoenas, venires, rules, orders of court, recognizances, publications and process heretofore made or issued, or which may hereafter be made or issued, having reference to or returnable at the next term of said courts, as heretofore provided by law, to be held, shall be deemed and taken as having reference to and being returnable at the next terms of said courts to be held at provided in this act.

Parties, witnesses' jurors, officers etc., to take notice of said change.

Writs, subpoenas, etc., which may have issued, when returnable

SEC. 4. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Repealing clause

SEC. 5. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

Emergency.

ARTICLE XII.

AN ACT to repeal all laws now in force establishing the times of holding Circuit Court in the Second Judicial Circuit, to fix the times of holding said courts, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.

[APPROVED DECEMBER 18, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Circuit Courts in the Second Judicial Circuit shall be held as follows, to wit: In the county of Scott on the first Monday in February and August. In the county of Jackson on the second Monday of February and August. In the county of Lawrence on the first Monday of March and September. In the county of Washington on the fourth Monday of March and September. In the county of Harrison on the second Monday of April and October. In the county of Clark on the

Times of holding the Circuit Court in the Second Judicial Circuit.
In Scott County
In Jackson County.
In Lawrence County.
In Washington County.
In Harrison County.

In Clark County fourth Monday of April and October. In county of Orange
 In Orange County on the second Monday of May and November. In the
 In Floyd County county of Floyd on the third Monday of June and fourth
 Monday of November. That the said court shall set in the
 Length of terms county of Scott one week, in the counties of Jackson and
 in said Counties. Lawrence three weeks each, and in the county of Floyd four
 weeks, and in all the rest of the counties two weeks each,
 when the business requires it.

When process, SEC. 2. All process returnable to the next term of any
 etc., made re- of said courts, as heretofore provided by law, is hereby
 turnable. made returnable to the next terms of said courts, as fixed
 by this act, and all orders of court and publications and
 recognizances having reference to the next terms of said
 courts shall be taken as having reference to said terms
 respectively as fixed by this act; and all persons shall take
 notice of the times of holding of said courts as by this act
 fixed.

Repealing Repeal. SEC. 3. That all laws now in force establishing the
 clauses. times of holding Circuit Courts in the Second Judicial
 Circuit be and they are hereby repealed.

Emergency. SEC. 4. Whereas an emergency exists requiring this act
 to take effect on the first day of January, A. D. 1873, it
 shall therefore take effect and be in force from and after
 the date aforesaid; and it shall be the duty of the Secretary
 of said State to forward a copy of this act to each of the
 clerks of said Circuit Courts immediately.

CHAPTER XIII.

AN ACT creating the Twenty-second (22) Judicial Circuit of Indiana,
 and fixing the time of holding Circuit Courts therein, and declaring an
 emergency.

[APPROVED DECEMBER 14, 1872.]

The Twenty-second
 Judicial
 Circuit formed.

SECTION 1. *Be it enacted by the General Assembly of the
 State of Indiana*, That the counties of Miami, Wabash, and
 Huntington shall be formed into and constitute the Twenty-
 second (22) Judicial Circuit of the State.

Times of hold-
 ing the Spring
 terms of said
 Court and length
 of term.
 In Huntington
 County.
 In Wabash
 County.
 In Miami
 County.

SEC. 2. The spring terms of said courts shall commence
 in the county of Huntington, on the third (3) Monday of Feb-
 ruary in each year, and, if the business require, it shall
 continue six weeks. In the county of Wabash, on the
 Monday succeeding the court in the county of Huntington,
 and continue six weeks. In the county of Miami, on the
 Monday succeeding the court in the county of Wabash, and

continue six weeks, and so much longer as the business thereof shall require. The fall terms of said courts shall commence in the county of Huntington, on the third Monday of August of each year, and continue six weeks. In the county of Miami on the Monday succeeding the court in the county of Huntington, and continue six weeks. And in the county of Wabash, on the Monday succeeding the court in the county of Miami, and continue six weeks, and so much longer as the business thereof shall require.

Times of holding Fall terms, and length of terms in said Counties.

SEC. 3. All writs, subpoenas, venires, rules, orders of court, recognizances, publications, and process of whatsoever kind, which may have issued from the Circuit Courts, in said counties of Miami, Wabash, and Huntington, or which may be hereafter issued previous to the commencement of the terms of court provided for in this act, shall be deemed and taken to be and are hereby made returnable to the first day of the first term of said Circuit Court in each of the counties aforesaid, to be held as provided in this act, and all actions of whatsoever kind, and all indictments now pending in the Circuit Courts of each of said counties, shall be tried and disposed of in the courts created by this act.

Writs, subpoenas, etc., which may have been issued, when returnable.

Indictments pending, when tried.

SEC. 4. Whereas, on account of the large amount of unfinished business now pending in the several counties of said circuit, an emergency is hereby declared to exist for the immediate taking effect of this act; therefore the same shall be in force from and after its passage.

Emergency

CHAPTER IV.

AN ACT to amend the third section of an act, entitled "An act districting the State for Judicial Circuits," approved June 17, 1852.

[BECAME A LAW WITHOUT EXECUTIVE APPROVAL,
DECEMBER 21, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the third section of an act, entitled "An act districting the State for Judicial Circuits," approved June 17, 1852, be amended to read as follows: "Section 3. The counties of Knox, Daviess, Martin, Gibson, Vanderburg, and Posey, shall constitute the Third Judicial Circuit."

Section 3. Be cital.

Sec 3, as amended. The Third Judicial Circuit

SEC. 2. It is declared that an emergency exists for the immediate taking effect of this act, and therefore the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER XV.

AN ACT to provide for the holding of Courts in the Twenty-fifth Common Pleas District of Indiana, and declaring an emergency.

APPROVED DECEMBER 11, 1872.

Times of holding
Common Pleas
Court and length
of term.

In Miami Coun-
ty.

In Cass County.

In Pulaski Coun-
ty.

Emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the courts of the Twenty-fifth Common Pleas District shall hereafter be held as follows: In the county of Miami on the first Monday of September, December and March, and shall continue four weeks each term; in the county of Cass on the Monday succeeding the courts in the county of Miami, and shall continue six weeks each term; and in the county of Pulaski upon the Monday succeeding the courts in the county of Cass, and shall continue one week each term.

SEC. 2. Inasmuch as an emergency exists for the passage of this act, it is declared to be in force from and after its passage.

CHAPTER XVI.

AN ACT to amend the second section of an act, entitled "An act creating the Twenty-third Common Pleas District, and making provisions therefor, and repealing all conflicting laws," approved March 11, 1867, providing for the return of process, and declaring an emergency.

[APPROVED DECEMBER 16, 1872.]

Section 2 recit-

Times of holding
Common Pleas
Court in Warren
County and
length of terms.

In Tippecanoe
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of the above recited act be and the same is hereby amended to read as follows: "Section 2. The Courts of Common Pleas of said district shall commence in the county of Warren on the first Monday of February, and the second Monday of May and September in each year, and hold three weeks, if the business thereof requires it; and in the county of Tippecanoe they shall commence on the third Monday, after the beginning of said courts in Warren county, in February and May, and on the second Monday in November in each year, and hold as long as the business thereof may require."

SEC. 2. All writs, venires, rules, orders of courts, recognizances, publications, and process whatever, which may have issued from said courts in said counties, or which may hereafter be issued, shall be deemed and taken to be, and are hereby made returnable to the first day of the first term of said courts to be holden after the taking effect of this act.

Writs, subpoenas etc., which may have issued, when returnable

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, it is declared to be in force from and after its passage.

Emergency.

CHAPTER XVII.

AN ACT to provide for the time of holding the Court of Common Pleas in the Sixteenth Judicial District of the State, and to repeal all laws in conflict therewith, and declaring an emergency.

[APPROVED DECEMBER 16, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Court of Common Pleas in the Sixteenth Judicial District shall, after the taking effect of this act, be held as follows: In the county of Lake on the first Mondays of January, May and September in each year. In the county of Porter on the Monday succeeding the court in the county of Lake. In the county of Newton on the Monday succeeding the court in the county of Porter. In the county of Jasper on the Monday succeeding the court in the county of Newton. In the county of Starke on the Monday succeeding the court in the county of Jasper. And the terms of said court shall be, if the business requires it, two weeks in the counties of Lake, Jasper and Newton, and three weeks in the county of Porter, and one week in the county of Starke; and all writs and process of whatsoever nature or character, heretofore issued or hereafter issued, shall be returnable on the days heretofore named, anything therein contained to the contrary notwithstanding.

Times of holding Common Pleas Court.

In Lake County.

In Porter County.

In Newton County.

In Jasper County.

In Starke County.

Length of time in said counties.

Writs, process etc., when returnable.

SEC. 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Repealing clause.

SEC. 3. That an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Emergency.

CHAPTER XVIII.

AN ACT to fix the time of holding the terms of the Common Pleas Court in the several counties comprising the Sixth Judicial District, the duration of such terms, and repealing all laws in conflict therewith.

[APPROVED DECEMBER 21, 1872.]

Times of holding Common Pleas Court in the Sixth Judicial District.

In Franklin County.

In Union County

In Fayette County.

In Wayne County.

Length of terms in said Counties.

Repealing clause.

Emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Court of Common Pleas, shall hold their terms in the several counties comprising the Sixth Judicial District, as provided in the following sections.

SEC. 2. In the county of Franklin on the first Monday of March and the second Monday of October, in the county of Union on the fourth Monday of March, and first Monday of November, in the county of Fayette on the second Monday of April, and the first Monday of December, and in the county of Wayne on the first Monday of January, fourth Monday of April, and the second Monday of September.

SEC. 3. The terms of the said Courts, if the business requires it shall be of the duration in Franklin, three weeks, in Fayette at the April term, two weeks, and at the December term, three weeks, in Union, two weeks, in Wayne at the April and September terms, five weeks, and at the January term, four weeks.

SEC. 4. All laws in conflict herewith are hereby repealed.

SEC. 5. An emergency is hereby declared to exist for the immediate taking effect of this act, and the same shall take effect and be in force from and after its passage.

CHAPTER XIX.

AN ACT to amend section 1st of an act entitled "An act to organize a Supreme Court and prescribing certain duties of the Judges thereof," approved May 13, 1852.

[APPROVED DECEMBER 16, 1872.]

Amending section first of the act of May 13, 1852, in relation to the organization of a Supreme Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 1st of an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof," approved May 13, 1852, be and the same is hereby amended so as to read as follows :

The Supreme Court shall consist of five judges, any three of whom shall form a quorum, and shall have jurisdiction in appeals co-extensive with the State.

The Supreme Court to consist of five Judges. Three to form a quorum. Emergency.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

CHAPTER XX.

AN ACT dividing the State into five Supreme Court Judicial Districts, providing for the appointment of one Judge of said Court to fill vacancy, repealing all laws in conflict herewith, and declaring an emergency.

[APPROVED DECEMBER 16, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the counties of Monroe, Owen, Clay, Parke, Morgan, Sullivan, Greene, Knox, Daviess, Martin, Dubois, Pike, Gibson, Posey, Vanderburgh, Warrick, Spencer, Perry and Orange shall constitute the First Supreme Court Judicial District.

First Supreme Court Judicial District.

SEC. 2. That the counties of Ohio, Rush, Switzerland, Dearborn, Shelby, Brown, Lawrence, Crawford, Harrison, Floyd, Clark, Scott, Jefferson, Ripley, Decatur, Bartholomew, Jackson, Washington and Jennings shall constitute the Second Supreme Court Judicial District.

Second Supreme Court Judicial District.

SEC. 3. That Tippecanoe, Johnson, White, Warren, Fountain, Montgomery, Clinton, Boone, Tipton, Hamilton, Marion, Vermillion, Putnam, Hendricks and Vigo shall constitute the Third Supreme Court Judicial District.

Third Supreme Court Judicial District.

SEC. 4. That the counties of Allen, Whitley, Huntington, Wells, Adams, Grant, Blackford, Jay, Delaware, Randolph, Howard, Madison, Hancock, Henry, Wayne, Fayette, Union and Franklin shall constitute the Fourth Supreme Court Judicial District.

Fourth Supreme Court Judicial District.

SEC. 5. That the counties of Lake, Benton, Porter, Laporte, St. Joseph, Elkhart, Kosciusko, Marshall, Starke, Jasper, Newton, Pulaski, Fulton, Wabash, Miami, Cass, Carroll, Lagrange, Steuben, DeKalb and Noble shall constitute the Fifth Supreme Court Judicial District.

Fifth Supreme Court Judicial District.

SEC. 6. That there being no Judge in the district provided for in the fifth section of this act, the Governor of this State, be and he is hereby authorized and directed to appoint a Supreme Judge, for said Fifth Judicial District, to serve until his successor shall be duly elected and qualified.

The Governor authorized to appoint a Judge for the Fifth Judicial District.

Repealing clause SEC. 7. That all the laws inconsistent herewith are hereby repealed.

Emergency. SEC. 8. Whereas, an emergency exists for the immediate taking effect of this act, therefore, the same shall take effect and be in force from and after its passage.

CHAPTER XXI.

AN ACT defining certain felonies and prescribing punishment therefor, compelling testimony of parties engaged therein against others than themselves, declaring contracts in respect thereto void, and repealing all acts in conflict with this act.

[APPROVED DECEMBER 21, 1872.]

Declaring any State officer, county commissioner, township or town trustee, mayor, common councilman etc. who shall be interested in any contract for public work of any kind, or shall receive any premium, percentage, drawback, etc. for the same or the making of an appointment, guilty of felony.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any State officer, county commissioner, township or town trustee, mayor or common councilman of any city, school Trustee of any town or city, or their appointees or agents, or any person holding any appointing power, or any person holding a lucrative office under the constitution or laws of this State, who shall during the time he may occupy such office, or hold such appointing power and discharge the duties thereof, be interested directly or indirectly in any contract for the construction of any State house, court house, school house, bridge, public building or work of any kind erected or built for the use of the State, or any county, township, town or city in the State in which he exercises any official jurisdiction; or who shall bargain for or receive any per centage, drawback, premium, or profits or money whatever on any contract, or for the letting of any contract, or making any appointment wherein the State, or any county, township, town or city is concerned, shall be deemed guilty of a *felony*, and upon conviction thereof, shall be fined not less than three hundred nor more than five thousand dollars, and to which may be added imprisonment in the State's Prison not less than two nor more than ten years.

Punishment therefor.

Any person who shall pay, or agree to pay any money, or article of value to any such officer, for the purpose of procuring any such contract, etc., or agree to pay any money or profits etc., shall be

SEC. 2. Any person who shall pay or agree to pay any money, or deliver anything of value to any State officer, county commissioner, township or town trustee, mayor or common councilman of any city, school trustee of any city, or any other person holding a lucrative office, or appointment or agency, under the constitution or laws of this State for the purpose of procuring any contract for the construction of any State house, court house, school house, bridge,

or other public building, or the performance of any work or furnishing of any material for the use of the State, or of any county, township, town or city in this State, over which such person has any official jurisdiction; or who having any such contract, shall pay or agree to pay to any of the officers or persons above named, any money, percentage, reward, drawback, premium or profits on such contracts, shall be deemed guilty of a felony, and upon conviction, shall be fined not less than three hundred nor more than five thousand dollars, and to which may be added imprisonment in the State's Prison not less than two nor more than ten years.

Punishment thereof.

SEC. 3. In prosecutions under this act, any contractor with any State officer, or appointee or agent of the same, or county, township, town or city, or appointee of the same, shall be compelled to testify against the officers of said State, county, township, town or city, and the officers thereof, or appointees or agents herein named, shall be compelled to testify against any contractor therewith, but such evidence shall not be used against the party testifying in any prosecution against himself.

Who shall be compelled to testify under this act.

SEC. 4. All contracts and agreements made between any persons in violation of this act shall be void.

Evidence not used against the party testifying.

SEC. 5. All acts in conflict with this act are hereby repealed.

Declaring all such contracts and agreements void.

Repealing clause.

SEC. 6. Whereas there is no law fixing any penalty for the acts herein defined, therefore an emergency exists for the taking effect of this act, and the same shall be in force from and after its passage.

Emergency.

CHAPTER XXII.

AN ACT in relation to the Funded Debt of the State of Indiana therein mentioned.

[APPROVED DECEMBER 13, 1872.]

WHEREAS, That part of the Funded Debt of the State of Indiana which is represented by the Two and one half and Five per cent. Certificates of State Stocks which were issued under the act approved January 19, 1846, entitled, "An Act to provide for the Funded Debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," and under the act supplementary thereto, approved January 27, 1847, have all been paid and redeemed except Two and a half per cent. Certificates to the amount of four thousand and sixty dollars and thirteen

Preamble.

cents, and except Five per cent Certificates to the amount of thirty-two thousand eight hundred and sixty-nine dollars and ninety cents:

AND WHEREAS, The Board of State Debt Sinking Fund Commissioners of this State, on or about the first day of September, 1870, stopped the payment of interest on all the Two and a half per cent. and Five per cent. Certificates of State Stocks then outstanding, because of their non-presentment for payment, due notice having been given requiring their presentment for payment at the State Agency in the city of New York, where the money was on deposit to redeem them:

AND WHEREAS, The money has ever since been in the Agency of the State in the city of New York, for the redemption of said Certificates, and by reason thereof the State is no longer under obligation to pay or redeem said certificates in the city of New York, but may justly require their presentment for payment at the State Treasury:

AND WHEREAS, There are War Loan Bonds still outstanding, issued under the act of May 13, 1861, amounting to the sum of one hundred and thirty-nine thousand dollars (\$139,000), the principal whereof will not be due until the expiration of twenty years from the date of said bonds, but the interest thereon is payable semi-annually in the city of New York:

AND WHEREAS, The State Agency as it now exists in the city of New York has by reason of the premises become unnecessary, and its remaining duties may be performed by a less expensive agency, and the necessity of keeping the State Debt Sinking Fund separate from the general fund of the State Treasury has ceased, and the necessity for the existence of the Board of State Debt Sinking Fund Commissioners has also ceased: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said action of the said Board of State Debt of Sinking Fund Commissioners in stopping the interest on the Two and a half and Five per cent. Certificates of State Stocks as aforesaid, is hereby ratified and approved, and that from and after the first day of February, A. D., 1873, the principal of such of said certificates as are still outstanding with the interest that may have accrued thereon prior to the stoppage of interest thereon as aforesaid, shall be payable at the Treasury of the State and not elsewhere.

SEC. 2. That from and after the tenth day of February, A. D., 1873, the State Agency in the city of New York as it now exists, be, and the same is hereby dispensed with and discontinued, and on the same day the said Agency shall be succeeded by the agency hereinafter provided for.

Action of Board of State Debt Sinking Fund Commissioners, in stopping interest on $2\frac{1}{2}$ and 5 per cent. certificates of State Stock, approved and ratified.

Principal and interest of certificates outstanding payable only at Treasury of State, after February 1, 1873.

State Agency in New York City discontinued after February 10, 1873.

SEC. 3. That the State Debt Sinking Fund as a separate fund of the State Treasury be discontinued from and after the said first day of February, A. D., 1873, and be merged in, and constitute a part of the general fund of said Treasury, and all sums of money or claims now lawfully payable out of the said State Debt Sinking Fund, shall, after the date last aforesaid, be payable out of the general fund of the State Treasury.

SEC. 4. That from and after the said first day of February next, the said Board of State Debt Sinking Fund Commissioners shall cease to exist.

SEC. 5 As the principal of the War Loan Bonds still outstanding, and issued under the act of May 13, 1861, mentioned in the preamble to this act, will not be due for many years, the redemption of said War Loan Bonds shall be suspended for two years from and [after] the taking effect of this act, but the semi-annual interest on said bonds shall be promptly paid in New York, as it shall become due and payable.

SEC. 6. Upon the discontinuance of the present State Agency in the city of New York, under the foregoing provisions of this act, all the books and papers belonging to said Agency shall be sent to, and deposited in the office of the Auditor of State, and all the furniture belonging to said Agency, shall be sold by the present agent before the discontinuance of his office, or under the direction of the Auditor of State, after such discontinuance, and the proceeds thereof shall be paid into the State Treasury. The present Agent of State shall, also, on or before the 10th day of February next, pay into the State Treasury all moneys which are or may be in his hands belonging to the State, or to any fund of the State Treasury.

SEC. 7. It shall be the duty of the Governor, Secretary, Auditor and Treasurer of State, or a majority of them, prior to the said 10th day of February next, to appoint some competent and suitable person, resident in the city of New York, as the agent of this State, to succeed the agency which is to be discontinued as aforesaid, and such appointment shall take effect upon said day and upon the discontinuance of the present Agency. The agent so to be appointed shall serve as such during the pleasure of the said State officers by whom he is to be appointed as aforesaid, or during the pleasure of a majority of said officers, and shall receive for such time as he may actually serve, such compensation as he and the said officers may agree upon; not however, exceeding the rate of five hundred dollars per annum.

SEC. 8. The said agent so to be appointed, shall give bond payable to the State of Indiana, in the penal sum of ten thousand dollars, conditioned for the faithful perform-

State Debt Sinking Fund discontinued as a separate fund after February 1, 1873 and merged in the general fund. All claims against said State Debt Sinking Fund to be paid out of the general fund.

The Board of State Debt Sinking Fund Commissioners cease to exist after February 1, 1873

The redemption of War Loan Bonds suspended for two years after this act takes effect.

Semi-annual interest to be paid in New York.

All books and papers of the State Agency in New York City to be deposited in the office of the Auditor of State.

The furniture to be sold and proceeds paid into State Agency. The present Agent of State required to pay all moneys belonging to the State in his hands into the State Treasury before February 10, 1873.

Governor, Secretary, Auditor, and Treasurer of State, to appoint before February 10, 1873, a suitable person, resident in New York City, as agent of this State.

Said Agent to serve during the pleasure of a majority of said State officers.

Compensation of said agent.

Agent to give bond in \$10,000.

Conditions of bond.

ance of his duties, and that he will honestly apply all moneys of the State to the purposes for which they shall be placed in his hands by the State Authorities, and that he will from time to time, on demand, or request of the said State officers, or a majority of them, pay or return to the State Treasury any sum of money or balance belonging to the State, in his hands at the time of such demand or request, and not properly disbursed in the performance of his duties.

Money to pay the semi-annual interest on the War Loan Bonds to be transmitted to said agent

SEC. 9. The necessary sums of money to pay the semi-annual interest on the said War Loan Bonds still outstanding shall be transmitted to the State Agent provided for by this act at the time, in the manner and by the officer, that the same is required by existing laws to be transmitted to the present Agent of State, and it shall be the duty of the agent provided for by this act, to pay such interest as it shall become due at the agency in the city of New York.

Duty of Agent to pay said interest.

Vacancies to be filled.

SEC. 10. The said State officers, or a majority of them, shall, from time to time, fill such vacancies as may occur in said agency, from any cause whatever, and it shall be the duty of the agent to provide an office or place of business at some convenient point in the business portion of the city of New York, and the compensation provided for in the sixth section of this act, shall include the entire expenses of the agency, embracing office rent, stationery, postage and all other incidental expenses.

Agent to provide an office in the business portion of New York City. The compensation provided in Section 6 to embrace office rent, etc.

Compensation to be paid quarterly.

Auditor of State to draw his warrant, etc.

SEC. 11. The compensation of the agent shall be paid to him quarterly, for which the Auditor of State shall draw his warrants on the Treasury, and the Treasurer shall transmit the money to the agent in New York.

Agent of State to perform the duties required by the acts of January 19, 1846 and January 27, 1847.

SEC. 12. The Agent of State provided for by this act, in addition to the duties hereinbefore mentioned, shall also perform all the duties required of such an agency by the provisions of the said act of January 19, 1846, and the act supplementary thereto, approved January 27, 1847, except so far as said duties are rendered unnecessary or dispensed with by the provisions of this act.

Repealing clause.

SEC. 13. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Emergency.

SEC. 14. An emergency is hereby declared to exist for the immediate taking effect of this act: wherefore, the same shall take effect and be in force from and after its passage.

CHAPTER XXIII.

AN ACT to amend the first section, and the title of an act, approved March 4, 1865, and entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly."

[APPROVED DECEMBER 6, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of said act be amended to read as follows, viz.:

Section 1. The business of any regular or special session of the General Assembly, on the calendar or files of either House, and remaining unfinished at the expiration of such session, shall, at the next succeeding session of the same General Assembly, (whether it be a regular or a special session,) be transferred to the calendar of the House in which it was pending, in the same order in which such business stood at the termination of such preceding session, and such unfinished business may, at such next succeeding session, be taken up, transacted, and disposed of in the same manner it might have been taken up, transacted, and disposed of at such preceding regular or special session: *subject, however*, to such change in the rules of procedure as either House may see proper to make.

SEC. 2. That the title of said act be, and the same is hereby amended to read as follows, viz.:

An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding session of the same General Assembly.

SEC. 3. An emergency is hereby declared to exist for the immediate taking effect of this act, wherefore it shall take effect and be in force from and after its passage.

CHAPTER XXIV.

AN ACT fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery.

[APPROVED DECEMBER 19, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the pay of the members of the Gen-

Fixing the per diem of members of the General Assembly at \$3 a day. And \$5 for every 25 miles they may travel by the most usual traveled route. Members shall furnish their own stationery.

Emergency.

eral Assembly shall be eight dollars per day while in actual attendance, or absent by leave, or on business of the General Assembly, or unable to attend from sickness; and five dollars for every twenty-five miles they may travel from their usual place of residence to the seat of government and back, by the most usual traveled route.

SEC. 2. The members of the General Assembly shall furnish their own stationery without any cost to the State therefor.

SEC. 3. An emergency exists for the immediate taking effect of the Act; therefore, the same shall be in force from and after its passage.

CHAPTER XXV.

AN ACT in relation to organizing the two Houses of the General Assembly and defining certain duties of certain officers in relation thereto, and declaring an emergency.

[APPROVED DECEMBER 19, 1872.]

Secretary of State to organize House.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Secretary of State, in addition to the duties now devolved upon him by law to be present in the Hall of the House of Representatives, either in person or by deputy, at the time designated by law or otherwise, for the meeting of any special or regular session of the General Assembly, and proceed to organize the House of Representatives, and perform all and singular the duties which have heretofore been performed by the Clerk of the House at the preceding session of the General Assembly.

Auditor of State to organize Senate.

SEC. 2. It shall be the duty of the Auditor of State, in addition to the duties devolved upon him by law, to be present in the Senate Chamber, either in person or by deputy, at the time designated by law, or otherwise for the meeting of any special or regular session of the General Assembly, and proceed to organize the Senate, and shall perform all and singular the duties which have heretofore been done and performed by the Secretary of the Senate at the preceding session of the General Assembly.

State Librarian to prepare Senate Chamber and House.

SEC. 3. It shall be the duty of the Librarian of State, in addition to the duties now devolved upon him by law, to prepare in a suitable manner the Senate Chamber and the Hall of the House of Representatives for the meeting of any regular or special session of the General Assembly, and to

be present in person or by deputy, at the time designated by law or otherwise, for the meeting of any regular or special session of the General Assembly, and perform in person and by one deputy, or in case of his inability to be present, then by one deputy for the Senate and one deputy for the House of Representatives, all and singular the duties which have heretofore been done and performed by the respective door-keepers of the respective Houses at the preceding session of the General Assembly.

And by himself and deputy to act as doorkeeper of the same at their organization.

SEC. 4. It shall be the duty of the Auditor of State to have present in the Senate Chamber, a Judge of a court of record or other person authorized by law to administer oaths whose duty it shall be in addition to his other duties now prescribed by law, to administer the oath of office to the Senators elect, and in case of his inability to procure the attendance of any such officer or person, he is hereby authorized and empowered to administer such oath in person or by deputy; and the same duty is hereby devolved upon the Secretary of State for the House of Representatives with like power to administer the oath of office to Representatives elect.

Auditor of State to have judge present to administer oaths.

Authorized to administer oaths himself.

Same duty devolved upon Secretary of State in the House.

SEC. 5. It shall not be lawful for any other person or persons whatever, than those designated in this act, to do and perform, any act whatever in organizing either the Senate or the House of Representative of the General Assembly of the State of Indiana.

Unlawful for any other persons to organize Senate or House.

SEC. 6. Whereas the organization of the General Assembly has heretofore been attended with unnecessary expense which prudence requires shall be avoided, an emergency is hereby declared for the immediate taking effect of this act, and it shall be in force from and after passage.

Emergency.

CHAPTER XXVI.

AN ACT in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employes of each House, and regulating their duties.

[APPROVED DECEMBER 23, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall hereafter be allowed the Senate and House of Representatives of this State, not to exceed the number of employes hereinafter named; that is to say: The Principal Secretary of the Senate shall be

Number of employes in Senate and House.

Appointments
to be made by
Principal Sec-
retary of Senate

By Assistant
Secretary of
Senate.

By Doorkeeper
of Senate.

Pages for Senate

Duties of Assist-
ant Doorkeeper.

Of Sweeper.

Of Spittoon
Cleaner.

Of Postmaster.

Appointments
to be made by
Principal Clerk
of House.

By Assistant
Clerk of House.

By Doorkeeper
of House.

Pages for House

Duties of Assist-
ant Doorkeeper.

Of Sweeper.

authorized to appoint, when the duties pertaining to his office require them, one reading clerk, one file clerk, one registry clerk, three engrossing clerks, and two enrolling clerks. The Assistant Secretary of the Senate shall be authorized to appoint, when the duties pertaining to his office require them, one principal journal clerk, one minute clerk, and three copying clerks. The Doorkeeper of the Senate shall be authorized to appoint three assistant doorkeepers, one postmaster, one sweeper, one paper folder, and one spittoon cleaner. The Senate shall also be entitled to one page for the President and Principal Secretary thereof, and two floor pages, to be appointed by the President of the Senate. The duties of the Assistant doorkeepers, mentioned in this section, shall be as follows: one of said assistant doorkeepers shall attend the center door of the Senate Chamber and announce messages from the Governor and House of Representatives, and the remaining two shall attend the side doors, act as firemen of the lobby stoves, and keep order in the lobbies. The sweeper, mentioned in this section, shall, in addition to his duties as such sweeper, carry the mail for the postmaster of the Senate. The spittoon cleaner, mentioned in this section, shall, in addition to his duties as such spittoon cleaner, carry water for the Senate. The postmaster, mentioned in this section, shall, in addition to his duties as such postmaster, act in the capacity of cloak keeper of the Senate.

SEC. 2. The Principal Clerk of the House shall be authorized to appoint, when the duties pertaining to his office require them, one reading clerk, one file clerk, one registry clerk, four engrossing clerks, and one page, and three enrolling clerks. The Assistant Clerk of the House shall be authorized to appoint, when the duties pertaining to [his] office require them, one principal journal clerk, one minute clerk and five copying clerks. The Doorkeeper of the House shall be authorized to appoint three assistant doorkeepers, one postmaster, one sweeper, one paper folder, one spittoon cleaner and one water-closet cleaner. The House shall also be entitled to one page for the Speaker and Principal Clerk thereof, and four floor pages, to be appointed by the Speaker of the House. The duties of the assistant doorkeepers, mentioned in this section, shall be as follows: one of said assistant doorkeepers shall attend the center door of the Hall of the House, and announce messages from the Governor and Senate, and the remaining two shall attend the side doors, act as firemen of the lobby stoves, and keep order in the lobbies. The sweepers [sweeper] mentioned in this section, shall, in addition to his duties as such sweeper, carry the mails for the postmaster of said House. The spittoon cleaner, mentioned in this section, shall, in

addition to his duties as such spittoon cleaner, carry water for the House. The postmaster, mentioned in this section, shall, in addition to his duties as such postmaster, act in the capacity of cloak keeper of the House.

Of Spittoon
Cleaner.

Of Postmaster.

SEC. 3. The standing committees of the Senate, on the judiciary, organization of courts, banks, fees and salaries, corporations and insurance, shall jointly be entitled to one clerk; the committees on finance, education, claims, railroads, reformatory institutions and federal relations, shall jointly be entitled to one clerk; and the remaining committees of the Senate shall jointly be entitled to one clerk, said clerks to be selected by the chairmen of said committees respectively. The standing committees of the Senate shall jointly be entitled to one janitor, to be selected by the three clerks provided for in this section.

Clerks for Stand-
ing Committees
in the Senate.

Janitor for
Standing Com-
mittees of Sen-
ate.

SEC. 4. The standing committees of the House, on judiciary, organization of courts of justice, banks, fees and salaries, corporations and insurance companies, shall jointly be entitled to one clerk. The committees on ways and means, education, claims, railroads, reformatory institutions and federal relations, shall jointly be entitled to one clerk; and the remaining committees of the House shall jointly be entitled to one clerk, said clerks to be selected by the chairmen of said committees respectively. The standing committees of the House shall jointly be entitled to one janitor, to be selected by the three clerks provided for in this section.

Clerks for Stand-
ing Committees
of House.

Janitor for same.

SEC. 5. It shall be the duty of the Assistant Secretary of the Senate to act in the capacity of clerk to the President of the Senate, in preparing his vouchers for the pay of members and employees of the Senate.

Duty of Secretary
of Senate to
prepare vouchers,
&c., for
President.

SEC. 6. It shall be the duty of the Assistant Clerk of the House to act in the capacity of clerk to the Speaker of the House, in preparing his vouchers for the pay of members and employees of the House.

Assistant Clerk
of House to pre-
pare vouchers
for Speaker.

SEC. 7. It shall be the duty of the Secretary of State, in addition to his duties now devolved upon him by law, to be present in the Hall of the House of Representatives, either in person or by deputy, at the time designated by law, or otherwise, for the meeting of any special or regular session of the General Assembly, and proceed to organize the House of Representatives, and perform all and singular the duties which have heretofore been performed by the clerk of the House at the preceding session of the General Assembly.

Secretary of
State to organ-
ize House.

SEC. 8. It shall be the duty of the Auditor of State, in addition to the duties devolved upon him by law, to be present in the Senate Chamber, either in person or by deputy, at the time designated by law, or otherwise, for the meeting of any special or regular session of the General

Auditor of State
to organize Sen-
ate.

Assembly, and proceed to organize the Senate, and shall perform all and singular the duties which have heretofore been done and performed by the Secretary of the Senate at the preceding session of the General Assembly.

State Librarian to prepare Senate Chamber and House for meeting of General Assembly.

SEC. 9. It shall be the duty of the State Librarian, in addition to the duties now devolved upon him by law, to prepare in a suitable manner the Senate Chamber and the Hall of the House of Representatives for the meeting of any regular or special session of the General Assembly, and to be present in person or by deputy at the time designated by law or otherwise for the meeting of any regular or special session of the General Assembly, and perform in person or by deputy, or in case of his inability to be present, then by one deputy for the House of Representatives, and one deputy for the Senate, all and singular the duties which have heretofore been done and performed by the respective doorkeepers of the respective Houses at the preceding session of the General Assembly.

And with Deputy to act as Doorkeepers in the organization of same.

Auditor to have judge present at organization of Senate to administer oaths.

SEC. 10. It shall be the duty of the Auditor of State to have present in the Senate Chamber a judge of a court of record, or other person authorized by law to administer oaths, whose duty it shall be, in addition to his other duties now prescribed by law, to administer the oath of office to the Senators elect; and in case of his inability to procure the attendance of any such officer or person, he is hereby authorized and empowered to administer such oath in person or by deputy; and the same duty is hereby devolved upon the Secretary of State for the House of Representatives, with like power to administer the oath of office to representatives elect.

Or administer the oath himself

Same duty devolved on Secretary of State in House.

Unlawful for any other persons to organize Senate and House.

SEC. 11. It shall not be lawful for any other person or persons whatever, than those designated in this act, to do and perform any act whatever in organizing either the Senate or the House of Representatives of the General Assembly of the State of Indiana: *Provided*, That nothing in this act contained shall be construed so as to require or authorize the Auditor of State to organize the Senate of any session of the General Assembly, when the President thereof is present and ready to perform such duty: *And provided further*, That nothing in this act contained shall be construed so as to require or authorize the Secretary of State to organize the House of Representatives of any session of the General Assembly, when the Speaker thereof is present and ready to perform said duty.

Proviso. Auditor shall not act when the President of the Senate is present to organize that body.

Proviso. Secretary of State shall not act when Speaker of the House is ready to organize that body.

Presiding officer of each House to make detailed report of monies drawn by him, &c.

SEC. 12. It shall be the duty of the presiding officer of each House of the General Assembly, at or immediately before the final adjournment of each session thereof, to make a detailed report to the House over which he presides, of the warrants drawn by him during the session in favor of mem-

bers, officers and employes of such House, showing the number of warrants drawn, the amount of each warrant and to whom payable; and also the aggregate amount of all the warrants drawn in favor of each person, and the aggregate amount of all warrants drawn in favor of all persons; which report shall be spread upon the journal of the House to which it is made.

What report shall be spread upon the journal

SEC. 13. It shall be the duty of the Principal Secretary of the Senate, as soon after the organization of any session of said Senate as possible, to prepare and place in a conspicuous place in the Senate Chamber an accurate and complete list of the names of all the officers (except the President thereof) and employes connected with the Senate, naming the position which each employe occupies; said list to be kept corrected from time to time, as any changes in or additions to said list may occur.

Secretary of Senate to make and post list of all the officers of that body, &c.

It shall be the duty of the Principal Clerk of the House, as soon after the organization of any session of said House as possible, to prepare and place in a conspicuous place within the Halls of the House, an accurate and complete list of the names of all the officers and employes (except the Speaker of the House) connected with the House, naming the position which each employe occupies; said list to be kept corrected, from time to time, as any changes in or additions to said list may occur.

Principal Clerk of House to prepare and post similar list of that body, &c.

SEC. 14. The employes of the principal and assistant secretaries of the Senate, the employes of the principal and assistant clerks of the House, the employes of the doorkeepers of the Senate and House, and the clerks of committees, when not employed in the discharge of some specified duty, shall perform any other duty required of them, or either of them, by their employers respectively, which may come in the line of duty of such employer.

Employes in Senate and House to perform such duties as may be required of them, when not employed at their regular duties.

SEC. 15. The compensation for employes for the two Houses of the General Assembly shall not exceed five (\$5.00) dollars per day each, for the time employed.

Compensation of employes.

SEC. 16. An emergency is hereby declared to exist for the immediate taking effect of this act, and it shall therefore take effect and be in force from and after its passage.

Emergency.

CHAPTER XXVII.

AN ACT to regulate certain matters of legislative practice in the two Houses of the General Assembly of the State of Indiana, and declare an emergency.

[APPROVED DECEMBER 23, 1872.]

Committee of five in each House to inspect the Journals thereof and report errors for correction.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be appointed at each session of the General Assembly in each House thereof, a committee, to consist of five members, of which the President of the Senate and the Speaker of the House of Representatives, shall respectively be chairman, the duty of which committee shall be to supervise and inspect, from time to time, the journal of the House to which such committee shall belong, and to report to such House for correction all errors which may be discovered in such journal.

When reading of journals is dispensed with such fact to be noted thereon. When duty of Journal Committee, to have journal read in their presence. When the journal found to be correct, the fact to be noted on journal and signed by chairman. Errors to be reported for corrections and such report entered on journal.

SEC. 2. In keeping the journal of the proceedings of each House, it shall be the duty of the Secretary or Clerk thereof, whenever the reading of the journal is dispensed with, to note the fact thereon; and thereupon, or as soon as practicable thereafter, it shall be the duty of the journal committee of such House to cause that portion of the journal, the reading whereof shall have been dispensed with, to be read in the presence and hearing of such committee, and if found to be correct the fact shall be noted on the journal and signed by the chairman of said committee; and if errors are discovered they shall be reported for correction to such House, and such report, with the action of the House thereon, shall be entered on the journal.

Journal when read and approved to be signed by presiding officer.

SEC. 3. When the journal of the proceedings of either House for any day, or number of days, shall be read to and approved by such House, such journal shall be signed by the presiding officer of such House, and whenever the journal committee of either House shall report errors in the journal, as provided for in the last section, the presiding officer of such House shall, after such House shall have acted on such report, sign the journal embracing the proceedings covered by such report.

Journal of each House to be deposited in Secretary of State's office and bound.

SEC. 4. The journal of each House for each regular or special session, shall, within ten days from and after the termination of such session, be deposited in the office of the Secretary of State, and shall be permanently bound and carefully preserved in that office, and copies of such journals shall be furnished to the printer, from which to print the same.

Copies to be furnished printer.

SEC. 5. It is hereby declared that an emergency exists Emergency for the immediate taking effect of this act; wherefore, the same shall take effect and be in force from and after its passage.

CHAPTER XXVIII.

AN ACT to define what shall be the salary of the Governor, the manner of paying the same, and declaring an emergency.

[APPROVED DECEMBER 11, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be allowed to the Governor the following annual salary, to be paid quarterly out of any moneys in the treasury belonging to the General Fund, and not specially otherwise appropriated by law, the sum of eight thousand dollars, to be in full for all services and house rents. Annual salary of Governor fixed at \$8,000.

SEC. 2. The salary allowed in section one shall be paid upon the warrant drawn by the Auditor of State, on the first days of January, April, July and October, in each year. Warrant to be drawn by Auditor of State on first days of January, April, July and October.

SEC. 3. All laws conflicting with the provisions of this act are hereby repealed. Repealing clause.

SEC. 4. Whereas, an emergency exists for the immediate taking effect of this act; therefore, this act shall be in force from and after its passage. Emergency.

CHAPTER XXIX.

AN ACT supplemental to an act approved February 25, 1865, entitled "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matter properly connected therewith."

[APPROVED DECEMBER 11, 1872.]

WHEREAS, The Auditor and Treasurer of State, and Calvin Fletcher, Sr., were appointed Commissioners by said act of February, 1865, for the purpose therein mentioned, and the said Calvin Fletcher, Sr., departed this life in the year 1866, and the Auditor and Treasurer of State have Preamble.

since said Fletcher's death made the allowances contemplated by the fourth section of said act to the Governor in lieu of a residence, and doubts have been expressed as to whether the Auditor and Treasurer of State had legal authority or power to act in the premises after the death of said Fletcher; therefore,

All sums of money paid to the Governor in lieu of house rent, since the death of Calvin Fletcher, sr., legalized and confirmed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all sums of money drawn from the Treasury by the joint or concurrent action of the Auditor and Treasurer of State, and paid to the Governor in lieu of a residence, since the death of the said Fletcher, not exceeding \$5,000 per annum, be and the same are hereby approved and confirmed.

The Attorney General added to the Commission to fill the place of said Fletcher. Emergency.

SEC. 2. The Attorney General of the State is hereby added to said commission, created by said act, to fill the place made vacant therein by the death of the said Fletcher.

SEC. 3. An emergency is hereby declared to exist for the immediate taking effect of this act: Wherefore, it shall take effect and be in force from and after its passage.

CHAPTER XXX.

A BILL to amend an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 8, 1867, and repealing section eleven of said act.

[APPROVED DECEMBER 10, 1872.]

Secs. 10, 13, 14, 16 and 20 of old law repealed

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That sections 10, 13, 14, 19 and 20, of an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 8, 1867, be and the same are hereby amended to read as follows, to wit:

Section 10 as amended. When Institution so far completed as to admit youths, Governor to make proclamation. Board of Commissioners to receive infants under 16 years of age. Infants committed by any Circuit or Common Pleas Judge on complaint or proof by parent

Section 10. Whenever said institution shall have been so far completed as to properly admit of the reception of youths therein, the Governor shall make due proclamation of that fact; and thereafter it shall be lawful for said Board of Commissioners to receive into their care and guardianship infants under the age of sixteen years, committed to their custody, in either of the following modes, to wit:

1. Infants committed by any Judge of a Circuit or Common Pleas Court, on the complaint or due proof thereof, by the parent or guardian of such infant, that by reason of incorrigible or vicious conduct such infant has

rendered his or her control beyond the power of such parent or guardian, and made it manifestly requisite that from regard to the future welfare of such infant, and for the protection of society, he or she be placed under such guardianship.

or guardian of incorrigible or vicious conduct, &c.

2. Infants committed by the authorities aforesaid, where complaint and due proof have been made that such infant is a proper subject for the guardianship of said Institution, in consequence of vagrancy or of incorrigible or vicious conduct, and that from the moral depravity or otherwise of the parent or guardian in whose custody such infant may be, such parent or guardian is incapable or unwilling to exercise the proper care or discipline over such incorrigible or vicious infant.

Infants to be committed by said authorities, on complaint and proof.

3. Infants who are destitute of a suitable home, and of adequate means of obtaining an honest living, or who are in danger of being brought up to lead an idle and immoral life, and who may be committed to the guardianship of said Institution by the trustees of the township where such infant resides, or by the mother, when the father is dead, or has abandoned his family, or is a habitual drunkard, or does not provide for their support.

Infants destitute of suitable homes and adequate means of obtaining an honest living, can be committed.

Section 13. If any infant under the age of sixteen years shall be arraigned for trial in any court having criminal jurisdiction, on a charge of any violation of any criminal law of this State, the judge may, with the consent of the accused, arrest at any stage of the cause, any further proceedings on the part of the prosecution, and commit the accused to the guardianship of the Institution.

Section 13, as amended. Judges may arrest proceedings and send infant to Institution.

Section 14. All infants under the age of sixteen years, who may be accused of any offense punishable by imprisonment, shall, with a view to the question whether they ought to be committed to said Institution, be entitled to a private examination and trial before the Judge of a Circuit or Common Pleas Court, of the proper circuit or district to which only the parties to the case and the parent or guardian of the accused shall be admitted, unless one of the parents, the guardian or other legal representative of the infant, demand a public trial, in which case all proceedings shall be in the usual manner.

Section 14, as amended. Infants accused of offenses punishable by imprisonment, entitled to have private examination and trial before judge.

Section 19. Any fugitive from said Institution, or from apprenticeship under such indentures, may be arrested and returned to said Institution, or to his master, by any officer or citizen, on the written order or request of the Superintendent, directed to such officer or citizen.

Section 19, as amended. Fugitives from Institution to be arrested and returned.

Section 20. Said Board of Commissioners shall, with the approval of the Governor, estimate and determine, as near as may be, the actual expense per annum of keeping and

Section 20, as amended. Commissioners to estimate the

actual expense, and include a statement in annual report. taking care of such infant committed to said Institution, not, including the use of the grounds and buildings, and shall include a statement of such estimated price in each annual report. One half of the price of keeping the infants, according to such estimate, together with the entire cost of conveying each infant to the Institution shall be paid by the county from which such infant may be committed to said Institution: *Excepting, however,* That when any infant is committed to said Institution by his or her parent or guardian, the cost of keeping such infant, including the cost of transportation to the Institution, shall be wholly paid by such parent or guardian, unless for good cause said Board of Commissioners shall otherwise order and direct; in which case such expenses, including cost of transportation, shall be borne by the State and proper county in the above named proportions. The expenses which any county may be liable to pay on account of any infant committed to said Institution, under the provisions of this act, shall be paid by the Board of Commissioners of such county into the State Treasury, on a certified and detailed statement as to the amount, due therefor from such county being furnished to the auditor of the county by said Superintendent; but in no case shall the amount charged to any county for the keeping of any infant exceed one half of the estimated cost to the State of his or her support, exclusive of the use of the permanent property of the Institution. The cost of conveying infants to the Institution shall in no case be paid by the State. All moneys paid by such counties, under the provisions of this section, into the State Treasury, shall be paid directly by the State Treasurer to the Superintendent of the House of Refuge, for the use of said Institution: *Provided,* That the money paid by said counties on the statements rendered for October, 1872, shall be paid by the State Treasurer to said Superintendent, as herein provided.

Half price of conveying to be paid by county, excepting when committed by parent or guardian, when the whole cost shall be paid.

The Board can otherwise order.

The county expenses to be paid into the State treasury.

Moneys paid by counties shall be paid to the Superintendent.

Proviso.

Repealing clause.

Emergency.

SEC. 2. Section eleven of said act, establishing a House of Refuge for the correction and reformation of juvenile offenders, approved March 8, 1867, is hereby repealed.

SEC. 3. An emergency exists for the immediate taking effect of this act; the same shall, therefore, take effect and be in force from and after its passage.

CHAPTER XXXI.

AN ACT to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency.

[BECAME A LAW BY LAPSE OF TIME, DECEMBER 27, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the General Assembly of the State of Indiana shall consist of fifty Senators and one hundred Representatives.

Number of Senators in General Assembly, and number each county or counties are entitled to elect.

SEC. 2. That the said Senators shall be apportioned among the several counties as follows, to wit:

The counties of Posey and Gibson shall elect.....	one.
Vanderburg	one.
Warrick and Pike.....	one.
Spencer and Perry.....	one.
Sullivan and Knox.....	one.
Daviess and Greene.....	one.
Martin, Orange and Dubois.....	one.
Crawford and Harrison.....	one.
Floyd and Clark.....	one.
Washington and Jackson.....	one.
Lawrence and Monroe.....	one.
Brown and Bartholomew.....	one.
Scott, Jennings and Decatur.....	one.
Jefferson.....	one.
Switzerland, Ohio and Ripley.....	one.
Decatur and Rush	one.
Vigo.....	one.
Owen and Clay.....	one.
Shelby and Johnson.....	one.
Putnam and Hendricks.....	one.
Parke and Vermillion.....	one.
Fountain and Warren.....	one.
Tippecanoe.....	one.
Benton, Newton, Jasper and White.....	one.
Lake and Porter.....	one.
Laporte.....	one.
St. Joseph and Starke.....	one.
Marshall, Fulton and Pulaski.....	one.
Kosciusko and Whitley.....	one.
Elkhart.....	one.
Noble and Lagrange.....	one.

Steuben and DeKalb.....	one.
Allen.....	one.
Allen, Adams and Wells.....	one.
Huntington and Wabash.....	one.
Grant, Blackford and Jay.....	one.
Miami and Howard	one.
Cass and Carroll.....	one.
Hamilton and Tipton.....	one.
Boone and Clinton.....	one.
Madison and Delaware.....	one.
Randolph.....	one.
Wayne.....	one.
Henry and Hancock.....	one.
Fayette, Union and Rush.....	one.
Marion.....	two.
Marion and Morgan.....	one.
Dearborn and Franklin.....	one.
Montgomery.....	one.

Number of Representatives in General Assembly and number each county or counties are entitled to elect.

SEC. 3. That said Representatives shall be apportioned among the several counties of the State in the following manner, to wit:

The county of Posey shall elect.....	one.
Gibson.....	one.
Vanderburg.....	two.
Warrick.....	one.
Pike.....	one.
Spencer.....	one.
Perry.....	one.
Sullivan.....	one.
Knox.....	one.
Daviess.....	one.
Greene.....	one.
Martin and Dubois.....	one.
Crawford and Orange.....	one.
Harrison.....	one.
Floyd.....	one.
Clark.....	one.
Washington.....	one.
Jackson.....	one.
Lawrence.....	one.
Monroe.....	one.
Brown and Bartholomew.....	one.
Jennings.....	one.
Scott, Jennings and Jefferson.....	one.
Jefferson.....	one.
Ripley, Decatur and Rush.....	one.
Ripley.....	one.

Switzerland and Ohio.....	one.
Decatur.....	one.
Rush.....	one.
Vigo.....	two.
Owen.....	one.
Clay.....	one.
Morgan.....	one.
Johnson.....	one.
Putnam.....	one.
Hendricks.....	one.
Putnam and Hendricks.....	one.
Parke.....	one.
Vermillion.....	one.
Parke and Montgomery.....	one.
Warren.....	one.
Fountain.....	one.
Tippecanoe.....	two.
Benton and Newton.....	one.
Jasper and White.....	one.
Lake.....	one.
Porter.....	one.
Laporte.....	one.
St. Joseph.....	one.
Marshall and St. Joseph.....	one.
Kosciusko and Fulton.....	one.
Fulton, Pulaski and Starke.....	one.
Kosciusko.....	one.
Whitley.....	one.
Elkhart.....	one.
Noble.....	one.
Lagrange.....	one.
Steuken.....	one.
DeKalb.....	one.
Allen.....	two.
Adams and Wells.....	one.
Huntington.....	one.
Wabash.....	one.
Huntington and Wabash.....	one.
Grant and Blackford.....	one.
Grant.....	one.
Miami.....	one.
Howard.....	one.
Cass.....	one.
Carroll.....	one.
Hamilton.....	one.
Hamilton and Tipton.....	one.
Clinton.....	one.
Boone.....	one.
Montgomery.....	one.

Madison.....	one.
Delaware.....	one.
Jay and Delaware.....	one.
Randolph.....	one.
Wayne.....	two.
Henry.....	one.
Hancock.....	one.
Henry and Madison.....	one.
Fayette and Union.....	one.
Marion.....	four.
Marion and Shelby.....	one.
Shelby.....	one.
Dearborn.....	one.
Franklin.....	one.
Noble and Elkhart.....	one.
Marshall.....	one.
Miami and Howard.....	one.

Repealing
clause.

SEC. 4. All laws and parts of laws in conflict with this act are hereby repealed.

Emergency.

SEC. 5. Whereas, an emergency exists for the immediate taking effect of this act: therefore, the same shall take effect and be in force from and after its passage.

CHAPTER XXXII.

AN ACT to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect, without Executive approval, on the 22d day of May, 1869. Also,

AN ACT to repeal an act entitled "An act supplemental to an act entitled an act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect May 22d, 1869, and prescribing penalties for the violation of the provisions thereof," which last named act was approved on the 23d day of February, 1871, and declaring an emergency, "and saving from the operation of this act all companies, the line of whose works is sixteen miles in length and under."

[APPROVED DECEMBER 14, 1872.]

Repealing
clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incor-

porated companies, and to repeal all former laws relating to the same subject," which act took effect without Executive approval, on the 22d day of May, 1869, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That an act entitled "An act supplemental to an act entitled an act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect May 22d, 1869, and prescribing penalties for the violations of the provisions thereof, which last named act was approved on the 23d day of February, 1871, be and the same is hereby repealed: *Provided*, that the existence and the rights, franchises and powers of all incorporated companies organized under said acts, or under any prior law of this State, repealed by said acts, the main line of whose contemplated work does not exceed sixteen miles in length, shall be saved unimpaired and unaffected by this repealing act. Repealing clause.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act: therefore, the same shall be in force from and after its passage. Emergency.

CHAPTER XXXIII.

AN ACT to amend the first section of an act entitled as follows: "An act to amend the first section of an act entitled 'An act for the incorporation of manufacturing and mining companies, [and companies] for mechanical, chemical and building purposes,' approved May 20, 1852, so as to provide for the incorporation of companies to furnish motive power to carry on such business, or to supply any city or village with water," approved March 11, 1861; so as to authorize and provide for the incorporation of Union Stock Yard and Transit Companies; and also to authorize and provide for the incorporation of grain elevator companies, and legalizing the incorporation of any grain elevator companies already formed or attempted to be formed under the act to which this is an amendment, and declaring an emergency.

[BECAME A LAW BY LAPSE OF TIME, DECEMBER 27, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of an act entitled "An act to amend the first section of an act entitled 'An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes,' approved May 20, 1852, so as to provide for the incorporation of companies to furnish motive power to carry Section 1 recited

on such business, or to supply any city or village with water," approved March 11, 1861, which reads as follows:

"Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of an act entitled 'An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes,' approved May 20, 1852, which reads as follows, to wit: 'Section 1. That whenever three or more persons may desire to form a company to carry on any kind of manufacturing, mining, mechanical or chemical business, they shall make, sign and acknowledge before some officer capable to take the acknowledgment of deeds, a certificate in writing which shall state the corporate name adopted by the company, the object of its formation, the amount of the capital stock, the term of its existence, not, however, to exceed fifty years, the number of directors and their names, who shall manage the affairs of such company for the first year, and the name of the town and county in which its operations are to be carried on, and file the same in the office of the recorder of such county, which shall be placed upon record, and a duplicate thereof in the office of the Secretary of State,' be so amended as to read as follows, to wit: 'Section 1. That whenever three or more persons may desire to form a company to carry on any kind of manufacturing, mining, mechanical or chemical business, or to furnish motive power to carry on such business, or to supply any city or village with water, they shall make, sign and acknowledge before some officer capable to take the acknowledgment of deeds, a certificate in writing, which shall state the corporate name adopted by the company, the object of its formation, the amount of capital stock, the term of its existence, not, however, to exceed fifty years, the number of directors and their names, who shall manage the affairs of such company for the first year, and the name of the town and county in which its operations are to be carried on, and file the same in the office of the recorder of such county, which shall be placed upon record and a duplicate thereof in the office of the Secretary of State,' be so amended as to read as follows:

Section 1, as amended.
Three or more persons may form a company.

Section 1. That whenever three or more persons may desire to form a company to carry on any kind of manufacturing, mining, mechanical or chemical business, or to furnish motive power to carry on such business, or to supply any city or village with water, or to form union stock yards and transit companies, and operating, maintaining and transacting the business incident to such companies, or to form grain elevator companies, and constructing, maintaining and operating elevators, and transacting the business incident thereto; they shall make, sign and acknowledge

before some officer capable to take acknowledgment of deeds, a certificate in writing, which shall state the corporate name adopted by the company, the object of its formation, the amount of capital stock, the term of its existence, not, however, to exceed fifty years, the number of directors and their names, who shall manage the affairs of such company for the first year, and the name of the town and county in which its operations are to be carried on, and file the same in the office of the recorder of such county, which shall be placed upon record, and a duplicate thereof in the office of the Secretary of State.

Companies must make, sign and acknowledge certificate, stating the corporate name, object and amount of capital stock, the term of existence, names of the directors, to be filed in Recorder's office, and duplicate in office of Secretary of State.

SEC. 2. That all grain elevator companies now formed, or attempted to be formed under the law, which is hereby amended, shall be in all respects as legal and binding as if organized after the taking effect of this act, and all the rights, titles and interests acquired, or attempted to be acquired by such company, are declared as valid and binding as if acquired after the taking effect of this act; and all papers signed, acknowledged, executed, delivered or recorded in organizing or attempting to organize grain elevator companies, and all records, votes for officers, votes of officers, or minutes made by such companies so formed or attempted to be formed, are, and shall be as binding as if made after the passage of this act.

Present Elevator Companies legalized under the act.

And the rights, titles and interest acquired declared valid and binding. And all papers signed, acknowledged, &c.

And all records, votes for officers or members by such companies shall be binding

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, and it shall be in force from and after its passage.

Emergency.

CHAPTER XXXIV.

A BILL to enable counties bordering on the State lines, or rivers forming State boundaries, and townships and cities therein, to aid in the construction of railroads opposite such counties in other States to run to such counties, or to the State line or river forming the State boundary bordering such counties, or to form connections with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency.

[APPROVED DECEMBER 14, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any county in the State, bordering on the State line, or rivers forming State boundaries, and any township therein, may, upon a vote of the majority of the legal voters thereof, and any city in such county may, upon petition of a majority of the resident freeholders

Counties and townships on State line can subscribe for capital stock of railroad companies.

Such companies to be opposite county.

Incorporated cities on said State line, etc., running not exceeding 20 years and not exceeding 8 per cent. interest in liquidation of subscription.

When proper petition is presented to County Commissioners, it shall be entered on their records at full length.

Said Board shall order polls to be opened at the several voting places of the county, or of the particular township, not more than 60 or less than 30 days thereafter.

Judges and Inspectors to be the same and selected in the same manner, and the election conducted as provided by law for general elections.

thereof, to the city council, subscribe to the capital stock of any railroad company, to aid in the construction of their road opposite such county in any other State, or to form connection with other railroads in such counties.

SEC. 2. Any city incorporated under the general laws of this State, and situate in any county bordering on the State line, or river forming the State boundary, may issue the bonds of such city, running for a period of time not exceeding twenty (20) years, and bearing an annual interest not exceeding eight per cent. in liquidation of all subscriptions to the capital stock of any railroad made under the provisions of this act.

SEC. 3. Whenever a petition shall be presented to the Board of Commissioners of any county of this State, bordering on the State line, or river forming State boundaries, at any regular or special session thereof, signed by one hundred or more freeholders of such county, asking said board to make an appropriation of money, stating the amount, to aid a railroad company therein named, and coming under the provisions of the first section of this act; or whenever such a petition shall be presented to such Board of Commissioners, as aforesaid, signed by twenty-five freeholders of any township of such county, asking such township to make an appropriation of money, stating the amount, to aid a railroad company therein named, and coming under the provisions of the first section of this act, by subscribing to the capital stock of such company, to aid in constructing a railroad from an adjoining State to such county, or to the State line, or river forming State boundaries opposite such county, or to connect with any other railroad in said county; it shall be the duty of such Board of Commissioners, after being satisfied that such petition has been properly signed by the requisite number of freeholders of such county or townships as aforesaid, to cause the same to be entered at full length on their records.

SEC. 4. Such Board of County Commissioners shall take said petition under advisement, and thereupon order the polls at the several voting places of the county, or of the particular townships, as the case may be, to be opened on a day to be named in the order, not more than sixty nor less than thirty days thereafter, and the votes of the legal voters of said county, or of the particular township named in said petition, upon the subject of appropriating money by such county, or by such township, for the purpose of aiding in the construction of such railroad as asked for in said petition. The judges and inspectors shall be the same, and selected in the same manner, and said elections conducted and governed in all things as provided by the laws of this State regulating general elections.

SEC. 5. The auditor of such county shall forthwith issue a certified copy of such order of election to the sheriff, who shall give notice thereof by publication, posting of notices, and in all other ways provided by law for holding general elections in this State, and the auditor shall make his certificate that he issued a copy of such order of election to the sheriff, and said sheriff shall make his certificate that he gave notice for the holding of such election as aforesaid; which certificates shall be entered upon the records of the Board of County Commissioners, and shall be sufficient evidence of the facts therein stated.

County Auditor to certify same to Sheriff, who will give notice as provided by law. Auditor to make certificate to Sheriff, and Sheriff make notice, which certificate shall be entered upon the records of the county commissioners.

SEC. 6. The ballots used at the elections provided for in this act shall be written or printed, and those cast for the appropriation by the county or a township, as the case may be, to aid such railroad company, shall contain the words, "For the railroad appropriation," and those cast against it shall contain the words, "Against the railroad appropriation;" and if two or more ballots are found folded together so that it shall appear that they were voted by the same person, both shall be rejected.

Ballots to be written or printed.

What words to contain.

Two ballots folded together to be rejected.

SEC. 7. When the ballots are counted, the judges of election shall make out a certificate stating in words the number of votes at such poll for the appropriation to the railroad company, and the number given against such appropriation, and sign the same officially, and such certificate, together with one of the lists or poll books, and one of the tally sheets, shall be deposited with the inspector, or one of the judges selected by the board of judges; and such inspectors, or judges of election, to whom such certificates, poll books and tally sheets are delivered, shall, when the question is as to an appropriation by the entire county, constitute a board of canvassers, who shall canvass and estimate the certificates, poll books and tally sheets returned by each member of said board, for which they shall assemble at the court house of such county, on the Thursday next succeeding the day of such elections, between the hours of ten o'clock, A. M., and six o'clock, P. M.; but when the question is as to an appropriation by a particular township having more than one election precinct, then the inspector and judges thereof, or any two of them, shall constitute the board of canvassers, and shall meet at the time and place aforesaid, and perform the duties aforesaid.

Judges to make certificate of votes cast for and against such appropriation.

Such certificate, with one of the lists or poll books, and one of the tally sheets, to be deposited with Inspector or one of the Judges. Such Inspector or Judges shall constitute a Board of Canvassers.

When they shall meet.

SEC. 8. The members of the board of canvassers, who shall assemble at such time and place, shall select one of their number chairman, and the county auditor shall act as their clerk.

The members to select a chairman, and County Auditor shall act as clerk.

SEC. 9. Such board, when organized, shall carefully compare and examine the papers, and shall prepare and sign a statement of the whole number of votes cast, and the num-

Said board shall sign statement of votes cast.

Said statement to be filed by Auditor.

ber for such appropriation to the railroad company, and the number against it; which statement shall be filed with said auditor, who shall record the same at full length in the records of the board of commissioners of said county, and carefully file in his office the certificates, poll books and tally sheets aforesaid.

When the County Commissioners shall grant the prayer of the petition and levy a tax, said tax shall be collected as other taxes.

SEC. 10. If a majority of the votes cast shall be in favor of such railroad appropriation, the board of county commissioners, at the ensuing regular session, shall grant the prayer of said petition, and shall levy a special tax of the amount specified in said petition, upon the real and personal property in the county, or township, as the case may be, liable to taxation for State and county purposes, which tax shall be collected in all respects as other taxes are collected for State and county purposes: *Provided*, That no county, township or city shall be authorized by the provisions of this act to place upon the tax duplicate for such railroad purposes to exceed one per centum upon the taxables of such county, township or city, (as such taxables shall appear on the tax duplicates of such county or city) in any one year.

Proviso.

Tax not to exceed one per centum.

Said County Commissioners to subscribe to the capital stock in the name of county or township, and pay the money as collected.

SEC. 11. Such board of county commissioners shall, after the assessment herein provided for, subscribe to the capital stock of such railroad company to the amount asked for in said petition aforesaid, in the name of such county or township, as the case may be, and pay therefor from time to time as the money assessed as aforesaid shall have been collected: *Provided*, That such subscription to the capital stock of such railroad company shall be made, subject to such conditions as may be set forth and asked for in said petition, to best secure the benefits thereof to such county or township, as the case may be.

Proviso.

Subscriptions to be subject to conditions.

When petition is presented to City Council in any of said counties signed by a majority of the resident freeholders, for railroad purposes as aforesaid, said Council shall cause the same to be entered on their records.

SEC. 12. Whenever a petition shall be presented to the city council of any city incorporated under the general laws of this State, and situate in any county bordering on the State line, or any river forming the State boundary, signed by a majority of the resident freeholders of such city, asking said council to make an appropriation of money, stating the amount, to aid a railroad company therein named, and coming under the provisions of the first section of this act, by subscribing to the capital stock of such company, to aid in constructing a railroad from an adjoining State to such city, or to the State line, or river forming the State boundary bordering the county in which such city is situated, or to connect with any other railroad in said city, or near the corporate limits of such city, it shall be the duty of such council, after being satisfied that such petition has been properly signed by the requisite number of resident freeholders of such city, to cause the same to be entered at full length upon their records.

SEC. 13. Such city council shall take said petition under advisement, and thereupon make an order directing the mayor of such city to subscribe to the capital stock of such railroad company, in the proper corporate name of such city, the amount specified in such petition for the purposes aforesaid; which subscription shall be made upon and subject to such provisions and conditions as a majority of such city council and mayor may deem necessary to protect the best interests of such city.

Said City Council shall make an order directing the Mayor to subscribe to the capital

Subscriptions subject to conditions.

SEC. 14. It shall be the duty of such city council to issue the bonds of such city, (as provided for in section five of this act), to an amount sufficient to liquidate said subscription to the capital stock of such railroad company aforesaid, and to pay the same, or the proceeds thereof, in such liquidation, from time to time, as the work upon such railroad progresses, or the conditions of such subscription to the capital stock thereof requires.

Duty of City Council to issue bonds to liquidate said subscription.

SEC. 15. Such city council shall provide for the payment of the annual interest of such bonds, and also provide a sinking fund for the payment of the principal thereof at maturity, by levying a special tax therefor upon the real and personal property in such city subject to taxation for State, county and municipal purposes; which tax shall be placed upon the tax duplicate of such city, and collected as other taxes are collected for city purposes.

City Council to pay interest on bonds, and provide a sinking fund for the payment of principal, at maturity, by levying a special tax therefor, which tax shall be collected as other taxes are.

SEC. 16. After the money authorized by this act to be subscribed and appropriated shall have been levied and collected, or city bonds issued as aforesaid, the railroad company for whose aid the same shall have been so levied and collected, or city bonds so issued, having fully done, performed and complied with all the provisions and conditions upon which such subscriptions were made and connected therewith in good faith, shall be entitled to demand and have a full compliance with the terms of such subscriptions upon the part of such counties, townships or cities, as the case may be, to the full intent and meaning of this act; and such railroad company, or any one of said petitioners, or any tax payer of such county, township or city, as the case may be, may compel the same to be done by mandate against such county, township or city.

After money shall have been levied and collected or city bonds issued, and the railroad performs the conditions of the subscription it shall be entitled to have a compliance with the terms of such subscription. And the same may be completed by mandate.

SEC. 17. The officers conducting the elections provided for in this act, shall be allowed the same pay as is allowed for like services in general elections. Should the election result in favor of a railroad appropriation, the expenses of the election after being paid by the county, township or city, as the case may be, shall be charged against the railroad company benefitted, and deducted out of the first moneys collected by virtue of the appropriation.

Officers of election allowed same pay as at general elections. The expenses of the election when favorable to be paid by railroad company.

Emergency.

SEC. 18. Inasmuch as an emergency exists for the immediate taking effect of this act, it is therefore declared that this act shall take effect and be in force from and after its passage.

CHAPTER XXXV.

AN ACT to require railroad companies to issue stock paid for by taxes voted in aid of the construction of their railroads, to the tax payers or their assignor, and to issue unclaimed stock for the benefit of the common school fund, and declaring an emergency.

[APPROVED DECEMBER 17, 1872.]

Where stock is subscribed to a railroad company by county or township and paid for from taxes levied and collected, the County Treasurer shall, on request, issue certificates to the several taxpayers stating the amount, etc., paid by each taxpayer, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases where stock has been taken by counties or townships in railroad companies, and paid for from taxes levied and collected under the provisions of the act entitled "An act to authorize aid to the construction of railroads, by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, it shall be the duty of the treasurer of the proper county upon request, if made prior to the first day of January, 1874, to issue to the several tax payers, and to the personal representatives of such as may have died, a certificate stating the amount of railroad tax paid by such tax payer, the date of payment, and the name of the railroad company in aid of which the tax was levied and paid, as the facts shall appear from the proper tax duplicates and record in his office.

When special receipt shall be given.

SEC. 2. Where taxes have been, or shall be levied, in accordance with the provisions of said act, which shall hereafter be paid, the treasurer of the proper county shall give to the person paying any such railroad tax a special receipt therefor, in which the facts shall be stated as in case of a certificate being given as required in the preceding section.

Certificates and receipts assignable in writing.

SEC. 3. The certificates and receipts provided for in the first and second sections of this act, shall be assignable in writing, and any lawful holder thereof may present and surrender said certificate at any time prior to January 1, 1874, and may present and surrender the said receipts to the proper railroad company, at any time within four years after the tax for which they were given was paid, in sums equal in amount to any number of shares in the capital stock of such railroad company; and it shall be the duty of such company to issue a certificate of paid up capital stock therein to the amount of the certificates and receipts so surrendered:

When they may be surrendered.

Duty of railroad to issue certificate of paid up capital stock to the amount of the certificates and receipts.

Provided, That such company shall not be compelled to issue such certificates of its stock to individuals to an amount greater than the money it shall have received from the county or township, as the case may be, together with the expenses of the election to be paid by such railroad company under the provisions of the nineteenth section of said act of May 12, 1869: *Provided*, That the stock so issued under the provisions of this act being involuntary in its character, no personal liability shall attach to the original holder thereof for any debt contracted by the railroad company.

SEC. 4. It shall be the duty of the auditors of the several counties in which railroad taxes may have been collected and paid over for stock, under the provisions of said act of May 12, 1869, immediately after the expiration of the times for the surrender of certificates and receipts by individuals to railroad companies, as fixed in the preceding section, to ascertain from the books of the county treasurer, and the books of the proper railroad company, which he shall have the right to examine for that purpose, what amount of stock has been paid for by taxes levied in the county, or any township, as the case may be, which has not been applied for by individuals upon the surrender of such certificates and receipts as aforesaid, within the times limited for that purpose; and for such amount of unclaimed stock the proper railroad company shall, upon the request of such auditor, issue to the several civil townships in such county certificates of stock in proportion, as nearly as may be, to the number of children in such townships between the ages of six and twenty-one years, as shown by the then last enumeration for school purposes; which stock, with all dividends thereon, shall be for the use of the public schools of such townships, and be a part of the school funds of such townships: *Provided*, That if such unclaimed stock shall have been purchased by tax voted in one or more townships, and not in the whole county, the township or townships in which the same was paid shall alone be entitled to said unclaimed stock, to be apportioned, in case of more than one township [township] in manner aforesaid, upon the basis of the number of children between the said ages of six and twenty-one years.

SEC. 5. The issuing of stock to individuals or townships for school purposes by railroad companies, as provided for in this act, shall operate to cancel, *pro tanto*, the stock held by any county or township under the provisions of said act of May 12, 1869; and all stock standing in the name of any township or county shall be the property of the individuals paying therefor, and of the several townships for school purposes, as the case may be, after individuals entitled thereto shall fail to apply therefor during the time above limited for that purpose.

Provided.

The amount of certificates issued not to be greater than the money received from county or township.

Provided.

No personal liability to attach to the holder of certificates so issued.

When County Auditors shall ascertain the amount of taxes levied, for which stock has not been applied for by individuals.

The proper railroad company shall issue certificates of stock for the same to the several civil townships, etc.

Provided.

The township or townships taxed shall alone be entitled to such unclaimed stock

Issuing stock for school purposes shall cancel the stock held by any county or township, under act of May 12, 1869.

The right of township trustees to vote stock.

SEC. 6. Township trustees shall have the right to vote the stock held by their respective townships in all meetings of stockholders of the companies by which the stock was issued, and all stock held under the provisions of this act shall entitle the holders thereof to all the rights and privileges of stockholders, who may have personally subscribed and paid for stock in such railroad companies.

Emergency.

SEC. 7. An emergency existing for the immediate taking effect of this act, the same shall be in force and take effect from and after its passage.

CHAPTER XXXVI.

AN ACT supplemental to "An act to authorize aid to the construction of Railroads by counties and townships taking stock in, and making donations to Railroad Companies," approved May 12, 1869.

[APPROVED DECEMBER 24, 1872.]

County or township tax for railroads, when forfeited, to be refunded to each taxpayer.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases where a county or township tax has been levied and collected in pursuance of the provisions of the act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies, approved May 12, 1869, and the right of the railroad company to such tax has become forfeited by failure to commence work on, or complete such railroad, as required by said act, the money so levied and collected shall revert, and be refunded by the proper custodians of said money, to each taxpayer in the proportion in which the same was collected, the legal collection fees thereof to be paid out of the general fund of the county: *Provided, however,* That the county commissioners may determine to place the said tax in the general fund of the county, in which case the taxpayers thereof shall be credited upon the duplicate in the same proportion in which the tax was collected; and *provided, further,* that the county commissioners and the respective township trustees may determine to place the township tax so collected into the township fund, in which case the taxpayers thereof shall be credited upon the duplicate in the same proportion in which the tax was collected, and in either case the legal collection fees shall be paid out of the county or township fund, as the case may be.

Proviso.
The tax may be placed in the general fund, and the taxpayers credited on the duplicate.
Second proviso.
The township tax may be placed in the township fund, etc.

When tax to revert to county or township.

SEC. 2. In case any of such tax is not diverted into the county or township funds, and is not called for or demanded by the taxpayers thereof within two years after the passage

of this act, or within two years after the same shall have become forfeited by the railroad company, then in that event such tax shall revert to and become a part of the county or township fund, as the case may be, and the legal collection fees shall be paid out of the fund receiving said tax.

SEC. 3. In all cases where the levies of taxes have been made in pursuance of said act and remain uncollected, and such railroad company has failed to commence work on, or to complete such railroad as required by said act, the taxpayers or parties against whom said levies stand charged, shall be released and discharged from the payment thereof.

When uncollected railroad tax shall be released.

SEC. 4. Inasmuch as an emergency exists for the immediate taking effect of this act, it shall take effect and be in force from and after its passage.

Emergency.

CHAPTER XXXVII.

AN ACT to provide for a uniform assessment of property, and for the collection and return of taxes thereon.

[APPROVED DECEMBER 21, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all taxes for the support of the government of the State shall be assessed on polls, and on property listed and valued in an equal and ratable proportion, (except such stocks or other property as may be specifically taxed,) in the following manner, namely: the amount necessary and proper to be charged on each poll and on each hundred dollars' worth of property for State expenditures and for school purposes, shall, from time to time, be fixed by law; and the amount to be charged on each poll and on each one hundred dollars' worth of property for county expenditures, shall be determined by the board of county commissioners at their annual meetings in June.

How State taxes shall be assessed on polls and property.

SEC. 2. A poll tax shall be assessed upon every male inhabitant of this State between the ages of twenty one and fifty years.

Poll tax.

SEC. 3. All real property within this State, and all personal property owned by persons residing in this State, whether it is in or out of this State, and all personal property within this State, owned by persons not residing within this State, subject to the exceptions hereinafter stated, shall be subject to taxation.

Real and personal property subject to taxation.

SEC. 4. The terms real "property," and "lands," wherever used in this act, shall be held to mean and include

What the terms real property and lands mean.

not only the land itself, whether laid out in town lots or otherwise, with all things contained therein, but also all buildings, structures and implements, trees, and other fixtures of whatever kind thereon, and all rights and privileges belonging, or in anywise appertaining thereto.

What personal estate and property mean.

SEC. 5. The terms "personal estate," and "personal property," as used in this act, shall be construed to include all household furniture, goods and chattels and effects of whatever kind; all moneys on hand or on deposit, either within or without this State; all steamboats, sailing vessels, wharf boats, barges, flat boats, canal boats, or other water craft, whether within or without this State; all money at interest; all bonds or stocks, whether of bodies politic or corporate; and all other credits or investments, whether within or without this State; the shares of stock of incorporated companies and associations organized under any law of this State or the United States.

Property of private corporations assessed where situated and liable to seizure wherever found in county.

SEC. 6. All property of private corporations, except in the cases where some other provision is made by law, shall be assessed in the name of the corporation, in the township, city or town where the same shall be situated; and in collecting the same all the personal property of the corporation shall be liable to be seized wherever the same may be found in the county, and sold in the same manner as the property of individuals may be sold for taxes.

Property exempt from taxation.

SEC. 7. The following property shall be exempt from taxation:

First. The property of the United States and of this State.

Second. The property of any county, city or town.

Third. All fire engines and other implements used for the extinguishment of fires, with the buildings used for the safe keeping thereof and the land on which the building is located, when belonging to any city or town.

Fourth. Every building erected for religious worship, and the pews and furniture within the same, and the lands whereon such building is situated, not exceeding ten acres; also, every cemetery.

Fifth. Every building erected for the use of any literary, benevolent, charitable or scientific institution, or by any individual or individuals, association or corporation, erected for the same purpose by any town, township or county, and the tract of land on which such building is situate, not exceeding twenty acres; also, the personal property belonging to any institution, town, township, city or county, and connected with or set apart for any of the purposes aforesaid.

Sixth. All lands granted for the use of common schools, so long as the same shall remain unsold.

Seventh. The personal property and real estate of every manual labor school or college incorporated within this State, when used or occupied for the purpose for which it was incorporated, such real estate not to exceed three hundred and twenty acres.

Eighth. The property to the amount of five hundred dollars, of a widow or unmarried female, or of any female minor whose father is deceased, if her whole estate real and personal not otherwise exempted from taxation does not exceed in value the sum of one thousand dollars.

SEC. 8. If any part, parcel or portion of any tract or lot of land, or of any buildings or personal property, enumerated in the preceding section as exempt from taxation, shall be used or occupied for any other purpose or purposes than those recited in said section, by reason whereof they are exempted from taxation, such part, parcel or portion shall be subject to taxation so long as the same shall not be set apart or used, exclusively, for some one of the purposes specified in the said enumeration.

If used for any other purpose shall be liable to taxation.

SEC. 9. Lands sold by the State, including lands forfeited to the sinking fund, university fund and all other trust funds, though not granted or conveyed, shall be assessed in the same manner as if actually conveyed.

Lands sold by the State, etc., assessable.

SEC. 10. All lands reserved to or for any individual, by any treaty between the United States and any Indian tribe or nation, shall be liable to taxation from the time such treaty shall have been confirmed.

Lands reserved to any individual by treaty, etc., liable to taxation.

SEC. 11. In all cases where buildings or personal property shall be destroyed by fire, flood, tornado or other unavoidable casualty after being assessed for the year, the Auditor on being satisfied thereof may rebate from the taxes for that year so much as may have been assessed on the property destroyed: *Provided*, That the loss for which rebate is allowed shall be only such as is not covered by insurance.

Auditor shall rebate on property destroyed by fire, etc.

Proviso.

SEC. 12. Personal property shall be valued as follows:

How personal property shall be valued.

First. All personal property, except as herein otherwise directed, shall be valued at its fair cash value.

Second. Every credit, for a sum certain, payable either in money or labor, shall be valued at a fair cash value for the sum so payable; if for any article of property, or for labor, or services of any kind, it shall be valued at the current price of such property, labor or service.

Third. Annuities and royalties shall be valued at their then present total value.

Fourth. The capital stock of all companies and associations now or hereafter created under the laws of this State, shall be so valued by the State Board of Equalization, as to ascertain and determine, respectively, the fair cash value of such capital stock, including the franchise, over

How the cash value of capital stock shall be ascertained.

and above the assessed value of the tangible property of such company or association. Said board shall adopt such rules and principles for ascertaining the fair cash value of such capital stock as to it may seem equitable and just; and such rules and principles, when so adopted, if not inconsistent with this act, shall be as binding and of the same effect as if it contained in this act, subject, however, to such change, alteration or amendment as may be found, from time to time, to be necessary by said Board: *Provided*, That in all cases where the tangible property or the capital stock of any such company or association is assessed under this act, the shares of capital stock of any such company or association shall not be assessed or taxed in this State. This clause shall not apply to the capital stock or shares of capital stock of banks organized under the general banking laws of this State.

Provided.

How real property shall be valued.

SEC. 13. Real property shall be valued as follows:

First. Each tract or lot of real property shall be valued at its fair cash value, estimated at the price it would bring at a fair, voluntary sale.

Second. Taxable leasehold estates shall be valued at such a price as they would bring at a fair, voluntary sale for cash.

Third. When a building or structure is located on the right of way of any canal, railroad or other company leased or granted for a term of years to another, the same shall be valued at such price as such building or structure and lease or grant would sell at a fair, voluntary sale for cash.

Fourth. In valuing any real property on which there is a coal or other mine, or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell at a fair, voluntary sale for cash.

When personal property shall be listed.

SEC. 14. Personal property shall be listed between the first day of April and the first day of June each year, when required by the Assessor, and with reference to the quantity held or owned on the first day of April in the year for which the property is required to be listed. Personal property purchased or acquired on the first day of April shall be listed by or for the person purchasing or acquiring it.

How and by whom personal property shall be listed.

SEC. 15. All real and personal property, unless herein otherwise directed, shall be listed in the manner following:

First. Every person of full age and sound mind, not a married woman, being a resident of this State, shall list his real estate and all tangible personal property, subject to taxation, situated and being in the county in which he resides.

Second. He shall list all moneys, credits, bonds or stocks, shares of stock, of joint stock or other companies (when the

capital stock of such company is not assessed in this State), moneys loaned or invested, annuities, franchises, royalties, whether in or out of such county.

Third. He shall also list all moneys and other personal property invested, loaned or otherwise controlled by him as the agent or attorney, or on account of any other person or persons, company or corporation whatsoever, and all moneys deposited, subject to his order, check or draft, and credits due from or owing by any person or persons, body corporate or politic.

Fourth. The property of a minor child shall be listed by his guardian; if he have no guardian, then by the father, if living; if not, by the mother, if living; and if neither father or mother be living, by the person having such property in charge.

Fifth. The property of an idiot or lunatic, by his conservator; or if he has no conservator, by the person having charge of such property.

Sixth. The property of a wife, by her husband, if of sound mind; if not, by herself.

Seventh. The property of a person for whose benefit it is held in trust, by the trustee; of the estate of a deceased person, by the executor or administrator.

And if such decedent died after the first day of April without giving in the amount of his taxables, his administrator or executor shall give in the same as though such property had been in his possession on the first day of April.

Eighth. The property of corporations whose assets are in the hands of receivers, by such receivers.

Ninth. The property of a body politic or corporate, by the president or proper agent or officer thereof.

Tenth. The property of a firm or company, by a partner or agent thereof.

Eleventh. The property of manufacturers and others in the hands of agent, by and in the name of such agent, as merchandise.

SEC. 16. All real property and merchants' and [and] manufacturers' stock shall be listed and returned for taxation in the county, township, city or town in which it is situated.

SEC. 17. All other personal property, except such as is required in this act to be listed and assessed otherwise, shall be listed and assessed in the county, township, city or town where the owner resides. The capital stock and franchises of corporations and persons, except as may be otherwise provided, shall be listed and taxed in the county, township, city or town where the principal office or place of business of such corporation or person is located in this State. If there be no principal office or place of business in this State,

Where real property and merchants', etc. stock shall be listed, etc.

Where all other personal property shall be listed.

then at the place in this State where any such corporation or person transacts business.

How property shall be listed where owner does not reside in the county.

SEC. 18. Property of whatever kind, situate or being in any county other than that in which the owner or owners thereof, or other persons required by the foregoing section to list the same, resides, except the property of such companies as are required to give a statement thereof in the township where the principal office of such company is kept, and merchants' and manufacturers' stock which is required to be listed where the same is situated, shall be listed in the township where the same is situate, by the agent of the owner, or other person having possession or charge thereof, unless the owner shall list, or cause the same to be otherwise listed in the township where such property may be.

Ditto.

SEC. 19. When the owner of live stock or other personal property connected with a farm, does not reside thereon, the same shall be listed and assessed in the township where the farm is situated: *Provided*, If the farm is situated in more townships than one, it shall be listed in the township in which the principal place of business on such farm shall be.

Where property of manufacturer shall be listed

SEC. 20. The property of manufacturers and others, in the hands of agents, shall be listed and assessed at the place where the business of such agent is carried on.

Money paid on real estate to be listed as personal property.

SEC. 21. When real estate is exempt in the hands of the holder of the fee, and the same is contracted to be sold, the amount paid thereon by the purchaser, with the enhanced value of the investment and improvement thereon until the fee is conveyed, shall be held to be personal property, and listed and assessed as such, in the place where the land is situated.

How personal property in transitu may be listed.

SEC. 22. Personal property, *in transitu*, shall be listed and assessed in the county, township, city, or town where the owner resides: *Provided*, If it is intended for a business, it shall be listed and assessed at the place where the property of such business is required to be listed.

Stock of nurseries how listed

SEC. 23. The stock of nurseries, growing or otherwise, in the hands of nurserymen, shall be listed and assessed as merchandise.

How the personal property of banks, brokers, etc., shall be listed.

SEC. 24. The personal property of banks or bankers, brokers, stock-jobbers, insurance companies, hotels, livery stables, saloons, eating houses, merchants and manufacturers, ferries, mining companies, and companies not specially provided for in this act, shall be listed and assessed in the county, township, city or town where their business is carried on, except such property as shall be liable to assessment elsewhere, in the hands of agents. All persons, companies and corporations in the State owning steamboats, sailing vessels, wharf boats, barges and other water craft,

Also, of steamboats, barges, etc.

shall be required to list the same for assessment and taxation in the county, township, city or town in which the same may belong or be enrolled, registered or licensed, or kept when not enrolled, registered or licensed.

SEC. 25. The personal property of gas and coke companies, except the pipes laid down, shall be listed and assessed in the city or town where the principal works are located. Gas mains and pipes, laid in roads, streets or alleys, shall be held to be personal property, and listed and assessed as such, in the city or town where the same are laid.

Gas and coke companies.

SEC. 26. The personal property of street railroad, plank road, gravel road, turnpike or bridge companies, shall be listed and assessed in the county, township, city or town where the principal place of business is located. The track, road or bridge shall be held to be personal property, and listed and assessed as such, in the county, township, city or town where the same is located or laid.

Street railroads, plank roads, etc.

SEC. 27. The horses, stages and other personal property of stage companies or persons operating stage lines, shall be listed and assessed in the county, township, city or town where they are usually kept.

Stage companies

SEC. 28. The personal property of express or transportation companies shall be listed and assessed in the county, township, city or town where the same is usually kept.

Express or transportation companies.

SEC. 29. No consignee shall be required to list, for taxation, the value of any property consigned to him for the sole purpose of being stored or forwarded, except to the extent of his interest in such property.

Consignees.

SEC. 30. Persons required to list property on behalf of others, shall list it in the same place in which they are required to list their own; but they shall list it separately from their own, specifying in each case the name of the person, estate, company or corporation to whom it belongs.

How property shall be listed when not listed by owner.

SEC. 31. Persons, for themselves or others, holding bonds or stocks of any kind, the principal of which bonds or stocks has been or may hereafter be exempted from taxation, shall list the amount of accrued interest on such bonds without regard to the time when the same is to be paid.

Accrued interest on bonds or stocks to be listed.

SEC. 32. When a deed for real estate is held for the payment of a sum of money, such sum, so secured, shall be held to be personal property, and shall be listed and assessed as credits.

When deed for real estate shall be listed as personal property.

SEC. 33. The owner of personal property removing from one county, township, city or town to another, between the first day of April and the first day of June, shall be assessed in either in which he is first called upon by the Assessor. The owner of personal property moving into this State, from another State, between the first day of April and the first day of June, shall be listed for his poll and the property

How owner of personal property moving from one county into another shall be listed.

owned by him on the first day of April of such year in the county, township, city or town in which he resides: *Provided*, If such person has been assessed and can make it appear to the Assessor that he is held for tax of the current year on the property, in another State, county, township, city or town, he shall not be again assessed for said year.

When County Board shall determine where personal property is to be listed.

SEC. 34. In all questions that may arise under this act as to the proper place to list personal property, or where the same cannot be listed as stated in this act, if between several places in the same county, the place for listing and assessing shall be determined and fixed by the county board; and when between different counties or places in different counties, by the Auditor of State; and when fixed in either case shall be as binding as if fixed by this act.

Schedule to be made out and delivered to Assessor.

SEC. 35. Persons required to list personal property shall make out and deliver to the Assessor, at the time required, a schedule of the numbers, amounts, quantity and quality of all personal property in their possession, or under their control, required to be listed for taxation by them. It shall be the duty of the Assessor to determine and fix the fair cash value of all items of personal property.

Poll tax.

SEC. 36. Every person shall be listed for his poll tax in the township where he resides when the enlistment is made.

Enlistment to be of all personal property on 1st of April.

SEC. 37. Every person shall be listed in the township where he resides when the enlistment is made, for all personal estate owned by him on the first day of April of the year in which the enlistment is made, including all personal estate in his possession, or under his control as trustee, guardian, executor or administrator.

Enlistment of lands.

SEC. 38. Every person shall be listed in the township where he resides when the enlistment is made, for all lands by him owned within such township, or [on] the first day of April in which the enlistment is made, and occupied by him or wholly unoccupied, including all such real estate owned or held by him as trustee.

When land to be listed in name of occupant.

SEC. 39. Lands occupied by any person not the owner thereof, shall be listed in the name of the owner, if known, otherwise in the name of the occupant; and for the taxes, if paid by such occupant, he shall have his action against the owner.

Unoccupied land.

SEC. 40. Unoccupied lands shall be listed in the name of the owner, if known, otherwise as "lands of persons unknown."

How lands in grants to English or French emigrants, or in Clark's grant, etc., shall be listed.

SEC. 41. When the line between two townships divides a tract of land lying in the grants to English or French emigrants, or in Clark's grant, or individual Indian reserves (surveyed differently from the United States surveys), if listed to the owner thereof, he being a resident of either township

in which a part of such tract of land may lie, or if listed to the occupant under the thirty-sixth section of this act, the same shall be listed in the township in which such owner or occupant shall reside; and in all other cases the same shall be listed in the township in which the greater part thereof lies.

SEC. 42. When personal property is mortgaged or pledged, it shall, for the purposes of taxation, be deemed the property of the party who has the same in possession. Mortgaged personal property.

SEC. 43. In cases of mortgaged real estate the mortgagor shall, for the purposes of taxation, be deemed the owner until the mortgagee shall have taken possession of the mortgaged premises, after which the mortgagee shall be deemed the owner. Mortgaged real estate.

SEC. 44. The undivided real estate of any deceased person may be listed to the heirs or devisees of such person, without designating any of the heirs or devisees by name until they shall have given notice to the Auditor of the county or counties in which such real estate is situated, of the division of the same, and the names of the several heirs or devisees and the proportions allotted to each, and each heir or devisee shall be liable for the whole of such tax, and shall have a right to recover of the other heirs or devisees their respective proportions thereof when paid by him. Undivided real estate of deceased person.

SEC. 45. Partners in mercantile or other business, may be jointly listed in their partnership name, in the township where their business is carried on, for all their personal property employed in such business; and in case of being so jointly listed, each partner shall be liable for the whole tax. Partners.

SEC. 46. Each Assessor shall, between the first day of April and the first day of June of each year, in which the real property of the State is assessed, upon actual view, determine as near as practicable the fair cash value of each tract or lot of land subject to taxation, and shall list and assess the same in the manner hereinafter provided. The said Assessor shall, also, between the first day of April and the first day of June in each year, call upon every person required to list property for taxation and take a list of the taxable personal property in his county and assess the value thereof in the manner hereinafter provided. When Assessor shall assess real estate.

SEC. 47. Every person required by this act to list personal property for taxation, shall, when called upon, as herein provided, forthwith make a full and true statement, in writing, to the proper Assessor, in which shall be distinctly set forth a correct description of all the personal property of which such person was, on the first day of April of the current year, the owner or holder as guardian, parent, husband or trustee, executor, receiver, accounting officer, partner, agent or factor; and also, all moneys and credits Every person to make statement of personal property, etc.

owned or held as aforesaid ; and it shall be the duty of the Assessor to determine and fix the fair cash value of all items of personal property, such cash value being the market or usual selling price at private sale at the place where the property shall be at the time of its liability to assessment.

Every person required to make a schedule.

SEC. 48. Every person required by this act to make or deliver such statement or schedule, shall set forth an account of the property held and owned by him or them as indicated by the following schedule, which said schedule, when completed by the Assessor, shall be in the following form :

FORM OF SCHEDULE.

Sec. 49. Schedule of Credits, Stocks and other Personal Property,
held byof.....County.

Number.		Amount Reported.		Valuation.	
		Dollars.	Cents.	Dollars.	Cents.
1	Credit or money at interest either within or without the State, of par value.....	.....	.....	.....	.....
2	All other demands against persons or bodies corporated either within or without this State.....	.....	.....	.....	.....
	Total amount of all credits.....	.....	.....	.....	.....
3	Bona fide indebtedness.....	.....	.....	.....	.....
4	Total value of Credits, above indebtedness.....	.....	.....	.....	.....
5	Money either in possession or on deposit with banks or persons either within or without this State.....	.....	.....	.....	.....
6	Bonds issued by bodies corporate either within or without this State.....	.....	.....	.....	.....
7	Bonds issued by body politic, including State, county, city, town, and all other bonds of this class.....	.....	.....	.....	.....

Form of Schedule—Continued.

Number.		For purpose of taxation, own- ed or held on the first day of April.		For statistical purposes, being the full produc- tion of the year.	
		Dolla.	Cts.	Dolla.	Cts.
8	Monthly average value of money, credits or other personal property converted by me into bonds or other securities of the United States while held or controlled by me, during the year ending April 1st, without deducting any indebtedness created by such investment.....	.....	.....	.....	.....
9	Value of goods and merchandise on hand.....	.....	.....	.....	.....
10	Value of all articles purchased, received [or] otherwise held for the purpose of being used in whole or in part in any process or operation of manufacturing, combining, rectifying or refining.....	.....	.....	.....	.....
11	Value of manufacturing articles on hand.....	.....	.....	.....	.....
12	Value of manufacturing tools, implements and machinery (other than engines and boilers, which shall be listed as such).....	.....	.....	.....	.....
13	Value of agricultural tools, implements and machinery.....	.....	.....	.....	.....
14	Value of gold or silver plate and plated ware.....	.....	.....	.....	.....
15	Value of diamonds and jewelry.....	.....	.....	.....	.....
16	Value of household furniture and library.....	.....	.....	.....	.....
17	Value of mechanical tools, law and medical books, surgical instruments and medicine.....	.....	.....	.....	.....
18	Value of nursery stock.....	.....	.....	.....	.....
19	Value of property such person is required to list as a pawnbroker.....	.....	.....	.....	.....
20	Value of property of companies and corporations other than property hereinbefore enumerated.....	.....	.....	.....	.....
21	Value of property of saloons and eating houses.....	.....	.....	.....	.....
22	Value of market garden products.....	.....	.....	.....	.....
23	Value of home-made manufactures.....	.....	.....	.....	.....
24	Value of slaughtered animals.....	.....	.....	.....	.....

Form of Schedule—Continued.

Number.		For purpose of taxation, own- ed or held on the first day of April.		For statistical purposes, being the full produc- tion of the year.	
		Dolls.	Cts.	Dolls.	Cts.
25	Every franchise, and description and value.....	.....	.....	.....	.....
26	Every annuity and royalty—description and value..	.....	.....	.....	.....
27	Value of brick, stone, and all other building ma- terial on hand.....	.....	.....	.....	.....

Form of Schedule—Continued.

Number.		For purpose of taxation, own- ed or held on the first day of April.			For statistical purposes, being the full pro- duction of the year.		
		No.	Dolla.	Cts.	No.	Dolla.	Cts.
28	Number of steamboats, sailing vessels, wharf boats, canal boats, barge or other water craft, either within or without this State, and value.....	.....	.....	.....	.....	.....	.....
29	Number of patent rights, and value .....	.....	.....	.....	.....	.....	.....
30	Number of steam engines, including boilers, and value.....	.....	.....	.....	.....	.....	.....
31	Number of fire and burglar proof safes, and value..	.....	.....	.....	.....	.....	.....
32	Number of billiard, pigeon-hole, bagatelle, and other similar tables, and value.....	.....	.....	.....	.....	.....	.....
33	Number of pianofortes, and value.....	.....	.....	.....	.....	.....	.....
34	Number of melodeons and organs, and value.....	.....	.....	.....	.....	.....	.....
35	Number of sewing or knitting machines, and value..	.....	.....	.....	.....	.....	.....
36	Number of watches and clocks, and value.....	.....	.....	.....	.....	.....	.....
37	Number of carriages, wagons, coaches, hacks, carts, drays, or other vehicles, and value.....	.....	.....	.....	.....	.....	.....
38	Number of hoop-poles, and value.....	.....	.....	.....	.....	.....	.....
39	Number of horses, and value.....	.....	.....	.....	.....	.....	.....
40	Number of mules, jacks, and jennets, and value...	.....	.....	.....	.....	.....	.....
41	Number of cattle, and value.....	.....	.....	.....	.....	.....	.....
42	Number of sheep, and value.....	.....	.....	.....	.....	.....	.....
43	Number of hogs, and value.....	.....	.....	.....	.....	.....	.....
44	Number of cords of wood, and value.....	.....	.....	.....	.....	.....	.....
45	Bushels of coal, and value.....	.....	.....	.....	.....	.....	.....
46	Bushels of lime, and value.....	.....	.....	.....	.....	.....	.....
47	Bushels of wheat, and value.....	.....	.....	.....	.....	.....	.....

Form of Schedule—Continued.

Number.		For purpose of taxation, own- ed or held on the first day of April.			For statistical purposes, being the full produc- tion of the year.		
		No.	Dolls.	Cts.	No.	Dolls.	Cts.
48	Bushels of corn, and value.....						
49	Bushels of rye, and value.....						
50	Bushels of oats, and value.....						
51	Bushels of potatoes, and value.....						
52	Bushels of barley, and value.....						
53	Bushels of grass and clover seed, and value..						
54	Bushels of flax seed, and value.....						
55	Bushels of fruit, and value.....						
56	Tons of hay, and value.....						
57	Tons of hemp, and value.....						
58	Tons of coal mined, and value (for statistical purposes only).....						
59	Pounds of beef, and value.....						
60	Pounds of bacon, and value.						
61	Pounds of bulk pork, and value.						
62	Pounds of lard, and value.....						
63	Pounds of wool, and value.....						
64	Pounds of tobacco, and value.....						
65	Ponnds of hops, and value.....						
66	Pounds of maple sugar, and value.....						
67	Barrels of beef, and value.....						
68	Barrels of pork, and value						
69	Gallons of cider, and value.....						
70	Gallons of vinegar, and value						
71	Gallons of wine, and value						

Form of Schedule—Continued.

Number.		For purpose of taxation, own- ed or held on the first day of April.			For statistical purposes, being the full produc- tion of the year.		
		No.	Dolla.	Cts.	No.	Dolla.	Cts.
72	Gallons of sorghum molasses, and value.....	.....	.....	.....	.....	.....	.....
73	Value of all other property, not specified above, required to be listed .....	.....	.....	.....	.....	.....	.....
74	Number of acres of wheat, (for statistical purposes only) .....	.....	.....	.....	.....	.....	.....
75	Number of acres of corn, (for statistical pur- poses only) .....	.....	.....	.....	.....	.....	.....
76	Number of acres of oats, (for statistical pur- poses only) .....	.....	.....	.....	.....	.....	.....
77	Number of acres of meadow, (for statistical purposes only) .....	.....	.....	.....	.....	.....	.....
78	Number of acres of pasture and woodlawn, (for statistical purposes only) .....	.....	.....	.....	.....	.....	.....
79	Additional number of acres in cultivation, for all purposes .....	.....	.....	.....	.....	.....	.....
80	Male dogs.....	.....	.....	.....	.....	.....	.....
81	Female dogs.....	.....	.....	.....	.....	.....	.....
82	Name of Deaf.	Cause of Deafness.			How long Deaf.		
83	Name of Insane Idiots.	Cause of Insanity.			How long Insane.		
84	Name of Blind.	Cause of Blindness.			How long Blind.		

STATE OF INDIANA,

.....County. } SS.

I,, being duly sworn, say that to the best of my knowledge, information and belief, the foregoing statement contains a true, full and fair list of all personal property held or belonging to me, and dogs owned, kept or harbored by me, on the first day of April, including all personal property appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or profit, and all personal property appertaining to manufacturing, and all manufactured articles whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the Assessor, such property has been fully and fairly described and its true condition and value represented. That I have in no case sought to mislead the Assessor as to either quantity or quality, or value of property, and the monthly average amounts and value of moneys, credits or other personal property converted by me into bonds or other securities of the United States, and held or controlled by me during the year ending April first, and not deducting any indebtedness created by such investments, is as stated in the eighth paragraph of this schedule, and that the deductions claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part of bonds, note or obligation of any kind given to any insurance company on account of premiums or policies, nor on account of any unpaid subscription to any literary, scientific, or charitable institution or society, nor on account of any subscription to or indebtedness payable on the capital stock of any company, whether incorporated or unincorporated.

Oath to schedule

SEC. 50. This statement shall be signed by the person making it, and the Assessor shall require of such person to take and subscribe on such statement an oath or affirmation that to the best of his or her knowledge, information and belief the said statement contains a true, full and fair list of the personal property of the person making such list, or if [of] the person or persons on whose behalf the same is made, which oath or affirmation may be administered by the Assessor, or his deputy, who are hereby authorized to administer all oaths or affirmations that may be required in the performance of the duties of their office.

Statement to be signed and sworn to.

SEC. 51. In every case where any person shall refuse or neglect to make out and deliver to the proper Assessor the statements prescribed in the forty-eighth and forty-ninth sections of this act, or shall refuse to take and subscribe the oath or affirmation required in said section, the Assessor

In case of failure to make out and deliver, how Assessor shall proceed.

shall, in every such case, proceed to ascertain the number of the several articles of each description enumerated in the said forty-ninth section, the value thereof, the value of the personal property subject to taxation, other than such enumerated articles; and, to enable him to do so, he is hereby authorized to examine on oath any person whom he may suppose to have knowledge of the amount or value of the enumerated articles and personal property, which the person so refusing or neglecting was required to list.

When any person refuses to swear to statement, how Assessor shall proceed.

SEC. 52. If any person who shall be required by the Assessor to give evidence, as provided in the preceding section, shall refuse to be sworn by the Assessor, or if, having been sworn, he shall refuse to answer such questions as the Assessor shall put to him, touching the subject of inquiry, any justice of the peace of the county to whom the Assessor shall make application therefor, shall summon such person to appear before him, at such time as the Assessor shall designate, and answer, on oath, all pertinent questions which shall be put to him by the Assessor touching the amount and value of the personal property, moneys and assessables, (other than real estate,) which the person required to list the same has neglected or refused to list; and every constable and witness, for refusal or neglect to obey the process of such justice herein provided for and contemplated, shall be subjected to the same penalties as they may by law be subject to for refusing to obey the process of justices of the peace in civil cases, and shall receive the same fees as for like services in civil cases; and such justice of the peace shall immediately proceed to enter judgment for all such fees, and for his own costs, in favor of the State of Indiana, against the person who shall have refused to make and deliver to the Assessor a statement of the property which, by this act, he was required to list, or who shall have refused to take the prescribed oath as to the amount or value thereof, and proceed to collect and pay over the same, as in civil cases.

What deductions are allowable.

SEC. 53. In making up the amount of credits which any person is required to list for himself, or for any other person, company or corporation, he shall be entitled to deduct from the gross amount of credits the amount of all *bona fide* debts owing by such person, company or corporation, to any other person, company or corporation, for a consideration received; but no acknowledgment of indebtedness not founded on actual consideration, believed when received to have been adequate, and no such acknowledgment made for the purpose of being deducted, shall be considered a debt within the meaning of this section; and so much only of any liability, as surety for others, shall be deducted as the person making out the statement believes he is legally and equitably bound, and will be compelled to pay on account

of the inability or insolvency of the principal debtor ; and if there are other sureties who are able to contribute, then only so much as the surety in whose behalf the statement is made will be bound to contribute: *Provided*, That nothing in this section shall be so construed as to apply to any bank, company or corporation exercising banking powers or privileges, or to authorize any deductions allowed by this section from the value of any other item of taxation than credits.

Proviso

SEC. 54. No person, company or corporation shall be entitled to any deduction from the amount of any bonds, stock, or money loaned, or on account of any bond, note or obligation of any kind, given to any insurance company on account of premiums or policies, nor on account of any unpaid subscription to any religious, literary, scientific or charitable institution or society, nor on account of any subscription to, or installment, payable on the capital stock of any company, whether incorporated or unincorporated.

Bonds, stocks, etc., to insurance.

SEC. 55. In all cases where deductions are claimed from credits, the Assessor shall require that such deductions be verified by the oath of the person, officer or agent, claiming the same.

Deductions to be sworn to.

SEC. 56. The statement of deductions thus claimed, and so verified by affidavit, shall form a part of the statement on schedule provided by section 49, as therein set forth. And the Assessor shall preserve said schedule, and at the time he makes return of the assessment books, shall file the same with the County Auditor, to be kept on file in his office, and shall be subject to the inspection of the officers charged with the execution of this law.

What shall be done with statement of deductions.

SEC. 57. Every bank, (other than a national bank,) banker, broker, or stock-jobber, shall, at the time fixed by this act for listing personal property, make out and furnish the Assessor a sworn statement, showing:

How bankers, brokers, etc., shall make out statement.

First. The amount of money on hand or in transit.

Second. The amount of funds in the hands of other banks, bankers, brokers, or others, subject to draft.

Third. The amount of checks, or other cash items, the amount thereof not being included in either of the preceding items.

Fourth. The amount of bills receivable, discounted or purchased, and other credits due, or to become due, including accounts receivable, and interest accrued but not due, and interest due and unpaid.

Fifth. The amount of bonds and stocks of every kind, and shares of capital stock, of joint stock, or other companies or corporations, held as an investment, or any way representing assets.

Sixth. All other property appertaining to said business, other than real estate, (which real estate shall be listed and

assessed as other real estate is listed and assessed under this act.)

Seventh. The amount of all deposits made with them by other parties.

Eighth. The amount of all accounts payable, other than current deposit accounts.

Ninth. The amount of bonds or other securities exempt by law from taxation, specifying the amount and kind of each, the same being included in the preceding fifth item.

The aggregate amount of the first, second and third items in said statement shall be listed as moneys. The amount of the sixth item shall be listed the same as other similar personal property is listed under this act. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credits. The aggregate amount of the ninth item, shall be deducted from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

How pawn-broker shall list property.

SEC. 58. Every person or company engaged in the business of receiving property in pledge, or as security for money, or other thing advanced to the pawnor or pledger, shall be held to be a pawnbroker, and shall at the time required by this act, return, under oath, the value of all property pledged and held by him, as a pawnbroker, on hand on the first day of April, annually, and taxes shall be charged upon the fair cash value of such property to such pawnbroker, the same as other property.

How bridge, express, etc., companies shall list property.

SEC. 59. Banking, bridge, express, ferry, gravel road, gas, insurance, manufacturing, mining, plank road, savings bank, stage, steamboat, street railroad, transportation, turnpike, and all other companies and associations incorporated under the laws of this State, (other than national banks,) shall, in addition to the other property required by this act to be listed, make out and deliver to the Assessor a sworn statement of the amount of its capital stock, setting forth particularly:

First. The name and location of the company or association.

Second. The amount of capital stock authorized, and the number of shares into which such capital stock is divided.

Third. The amount of capital stock paid up.

Fourth. The market value, or if no market value, then the actual value of the shares of stock.

Fifth. The total amount of all indebtedness, except the indebtedness for current expenses—excluding from such expenses the amount paid for the purchase or improvement of property.

Sixth. The assessed valuation of all its tangible property. Such schedule shall be made in conformity to such instruction and forms as may be prescribed by the Auditor of State. In all cases of failure or refusal of any person, officer, company, or association to make such return or statement, it shall be the duty of the Assessor to make such return or statement from the best information which he can obtain.

SEC. 60. Such statements shall be scheduled by the Assessor, and such schedule, with the statements so scheduled, shall be returned by the Assessor to the County Auditor. Said Auditor shall, at the time he makes his reports of assessments, forward to the Auditor of State all [such] schedules and statements so returned to him. The Auditor of State shall annually, on the meeting of the State Board of Equalization lay before said Board the schedules and statements herein required to be returned to him; and said Board shall value and assess the capital stock of such companies or associations in the manner provided in this act.

Such statement to be scheduled and sent to Auditor of State.

SEC. 61. Every person owning or using a franchise granted by any law of this State, shall, in addition to his other property, list the same as personal property, giving the total value thereof.

Franchises to be listed as personal property.

SEC. 62. The shares of capital stock in any bank located within this State, whether organized under the laws of this State or of the United States, shall be assessed to the owner thereof in the county, township, city or town where such bank or banking association is located, and shall be taxed at the same rate as other personal property in the same locality is taxed.

Shares of capital stock.

SEC. 63. Such stock shall be assessed with regard to its value on the first day of April of the current year.

When to be assessed.

SEC. 64. The President or cashier of every bank or banking association contemplated by the sixty-second section of this act, shall make out, in addition to the other property required by this act to be listed, a statement, under oath, showing the number of shares comprising the capital stock of such bank, the name and residence of each stockholder, with the number of shares owned by such stockholders in such bank, the par and cash value of each of said shares, and also the par and cash value of the entire capital stock of such bank or banking association, on the first day of April, and shall deliver such statement to the County Auditor in the county wherein such bank or banking association is located, on or before the first day of May; and the County Auditor shall deliver to the proper Assessor a copy of such statement, and such capital stock shall thereupon be listed and assessed by the Assessor, and return thereof made in all respects the same as similar property belonging to

President or cashier to make out statement of shares of capital stock, etc.

other corporations and individuals, except that it shall be treated as personal property belonging to banks or banking associations, under the name and style of capital stock.

Proceedings when president or cashier fail to make out such statement.

SEC. 65. Should any president or cashier of such bank or banking association fail to make and return such statement within the time aforesaid, the Auditor of the proper county shall summon the president and cashier of such bank or banking associations, to appear forthwith before him, with the books of such bank or banking association; and said Auditor is hereby empowered to compel the attendance of said officers, in obedience to such summons, and to examine them under oath, and to make such investigations at the expense of such bank or banking association as may enable him to obtain the information provided for in the sixty-fourth section of this act.

Valuation to be entered on tax duplicate, etc

SEC. 66. The County Auditor shall enter the valuation of such capital stock on the tax duplicate of the current year, and shall compute and expend [extend] taxes thereon the same as against the valuation of other property in the same locality.

How taxes shall be assessed on such stock.

SEC. 67. Taxes assessed upon such stock shall be paid by the owners or holders thereof, in the same manner and under the same penalties that other individuals or corporations are required to pay taxes.

When dividends can be retained.

SEC. 68. It shall be the duty of every such bank, or the managing officer or officers thereof, to retain so much of any dividend or dividends belonging to such stockholders as shall be necessary to pay any taxes levied upon their shares of stock, respectively, until it shall be made to appear to such bank, or its officers, that such taxes have been paid; and any officer of any such bank, who shall pay over or authorize the paying over of any such dividend or dividends, or any portion thereof, contrary to the provisions of this section, shall thereby become liable for such tax.

Taxes to remain a lien on stock.

SEC. 69. Taxes assessed upon shares of bank stock in conformity to this act, shall be and remain a lien thereon till the payment of such tax, which lien shall attach on the first day of April of the current year, and shall in no wise be affected by any sale or transfer of such stock.

Shares of capital stock not exempt from taxation for municipal purposes.

SEC. 70. Nothing in this act shall be so construed as to exempt from taxation, for municipal purposes, the shares of capital stock of any bank or banking association organized under the laws of this State, or the United States; but all such shares of stock may be assessed and taxed for all purposes at the same rate as other personal property is assessed and taxed in the same locality.

Railroad companies to return sworn lists of taxable property

SEC. 71. Every person, company or corporation owning, operating or constructing a railroad in this State, shall return sworn lists or schedules of the taxable property of

such railroad, as hereinafter provided. Such property shall be listed and assessed with reference to the amount, kind and value, on the first day of April of the year in which it is listed.

SEC. 72. They shall, in the month of April of the year eighteen hundred and seventy-three, and at the same time in each year thereafter, when required, make out and file with the County Auditor of the respective counties in which the railroad may be located, a statement or schedule showing the property held for right of way, and the length of the main, and all side and second tracks and turnouts in such county, and in each city [or] town in the county, through or into which the road may run, and describing each tract of land, other than a city [or] town lot, through which the road may run, in accordance with the United States surveys, giving the width and length of the strip of land held in each tract, and the number of acres thereof. They shall also state the value of improvements and stations located on the right of way. New companies shall make such statement in April next after the location of their roads. When such statement shall have been once made, it shall not be necessary to report the description, as hereinbefore required, unless directed so to do by the County Board; but the company shall, during the month of April, annually, report the value of such property, by the description set forth in the next section of this act, and note all additions or changes in such right of way as shall have occurred.

What schedule shall set forth.

SEC. 73. Such right of way, including the superstructures of main, side or second track and turnouts, and the stations and improvements of the railroad company on such right of way, shall be held to be real estate for the purpose of taxation, and denominated "railroad track," and shall be listed and valued, and shall be described in the assessment thereof as a strip of land extending on each side of such railroad track, and embracing the same, together with all the stations and improvements thereon, commencing at a point where such railroad track crosses the boundary line in entering the county, township, city or town, tending to the point where such track crosses the boundary line leaving such county, township, city or town to the point of termination in the same, as the case may be, containing acres, more or less, (inserting name of county, township, city or town, or boundary line of same, and number of acres, and length in feet,) and when advertised or sold for taxes no other description shall be necessary.

What shall be denominated railroad track, etc.

SEC. 74. The value of the "railroad track" shall be listed and taxed in the several counties, townships, cities or towns in the proportion that the length of the main track in such county, township, city or town bears to the whole

How the value of railroad track shall be listed.

length of the road in this State, except the value of the side, or second track, and all turnouts, and all station houses, depots, machine shops, or other buildings belonging to the road, which shall be taxed in the county, township, city or town in which the same are located.

What shall be
denominated
rolling stock.

SEC. 75. The movable property belonging to a railroad company shall be held to be personal property, and denominated for the purpose of taxation, "rolling stock." Every person, company or corporation, owning, constructing, or operating a railroad in this State, shall, in the month of April, annually, return a list or schedule, which shall contain a correct detailed inventory of all the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping and dining cars, express cars, baggage cars, horse cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars, and all other kinds of cars.

How rolling
stock shall be
listed.

SEC. 76. The rolling stock shall be listed and taxed in the several counties, townships, cities and towns in the proportion that the main track used or operated in such county, township, city or town bears to the length of the main track, used or operated in such county, township, city or town bears to the whole length of the road used or operated by such person, company or corporation, whether owned or leased by him or them, in whole or in part. Said list or schedule shall set forth the number of miles of main track on which said rolling stock is used in the State of Indiana, and the number of miles of main track on which said rolling stock is used elsewhere.

How tools, ma-
terials, etc.,
shall be listed.

SEC. 77. The tools and materials for repairs, and all other personal property of any railroad, except "rolling stock," shall be listed and assessed in the county, township, city or town wherever the same may be on the first day of April; also, real estate, including the stations and other buildings and structures thereon, other than that denominated "railroad track," belonging to any railroad, shall be listed as lands or lots, as the case may be, in the county, township, city or town where the same are located.

Duty of County
Auditor.

SEC. 78. The County Auditor shall return to the Assessor of the proper township, city or town, as the case may require, a copy of the schedule or list of the real estate, (other than "railroad track,") of and the personal property, (other than "rolling stock,") pertaining to the railroad; and such real and personal property shall be assessed by the Assessor. Such property shall be treated in all respects, in regard to assessment and equalization, the same as other similar property belonging to individuals, except that it shall be

treated as property belonging to railroads, under the terms "lands," "lots" and "personal property."

SEC. 79. At the same time that the lists or schedules are hereinbefore required to be returned to the County Auditor, the person, company or corporation, running, operating, or constructing any railroad in this State, shall return to the Auditor of State sworn statements or schedules, as follows:

What shall be embraced in the schedule of the company.

First. Of the property denominated "railroad track," giving the length of the main and side, or second tracks and turnouts, and showing the proportions in each county, and the total in the State.

Second. The "rolling stock," giving the length of the main track in each county, the total in this State, and the entire length of the road.

Third. Showing the number of ties in track per mile, the weight of iron or steel per yard, used in main and side tracks; what joints or chairs are used in track, the ballasting of road, whether graveled or dirt; the number and quality of buildings or other structures on "railroad track;" the length of time iron in track has been used, and the length of time the road has been built.

Fourth. A statement or schedule showing:

1. The amount of capital stock authorized and the number of shares into which such capital [stock] is divided.
2. The amount of capital stock paid up.
3. The market value, or if no market value, then the actual value of the shares of stock.
4. The total amount of all indebtedness, except for current expenses for operating the road.
5. The total listed valuation of all its tangible property in this State.

Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the Auditor of State.

SEC. 80. If any person, company or corporation, owning, operating or constructing any railroad, shall neglect to return to the county Auditor the statements or schedules required to be returned to them, the property so to be returned, and assessed by the Assessor, shall be listed and assessed as other property. In case of failure to make returns to the Auditor of State, as hereinbefore provided, the Auditor of State, with the assistance of the county Auditors and Assessors, when he shall require such assistance, shall ascertain the necessary facts and lay the same before the State Board of Equalization. In case of failure to make such statement either to the county Auditor or Auditor of State, such corporation, company or person shall forfeit, as a penalty, not less than one thousand nor more than ten thousand dollars for

Proceedings where company fails to return schedule.

each offense, to be recovered in any proper form of action, in the name of the State of Indiana, and paid into the State treasury.

Auditor of State to lay schedule before the State Board of Equalization.

SEC. 81. The Auditor of State shall annually, on the meeting of the State Board of Equalization, lay before said Board the statements and schedules herein required to be returned to him, and said Board shall assess such property in the manner hereinafter provided.

Railroad property to be entered on tax duplicate, etc.

SEC. 82. The county Auditor shall enter the railroad property of all kinds, as listed for taxation, upon the proper tax duplicate, and shall enter the valuation as assessed, corrected and equalized in the manner provided by this act. And against such assessed, corrected or equalized valuation, as the case may require, the county Auditor shall compute and extend all taxes for which said property is liable. And the county Treasurer shall collect the taxes charged against said railroad property, and pay over and account therefor in the same manner as other taxes are collected and accounted for.

Contiguous lots, etc., to be designated as on plat.

SEC. 83. When any railroad company shall make or record a plat of any contiguous lots or parcels of land belonging to it, the same may be described as designated on such plat.

Schedule of telegraph company

SEC. 84. Any person, company, or corporation, using or operating a telegraph line in this State, shall annually, in the month of April, return to the Auditor of State, a schedule or statement, as follows :

First. The amount of capital stock authorized, and the number of shares into which such capital stock is divided.

Second. The amount of capital stock paid up.

Third. The market value, or if no market value, then the actual value of the shares of stock.

Fourth. The total amount of all indebtedness, except current expenses, for operating the line.

Fifth. The length of line operated in each county, and the total in the State.

Sixth. The total assessed valuation of all its tangible property in this State.

Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the Auditor of State, and with reference to the amounts and values, on the first day of April of the year for which the return is made.

Said schedule to be laid before State Board of Equalization.

SEC. 85. The Auditor of State shall annually, on the meeting of the State Board of Equalization, lay before said Board the statement or schedule herein required to be returned to him; and said Board shall assess the capital stock of such telegraph company, in the manner hereinafter provided. The county Auditor shall compute and place upon the tax duplicate all taxes for which said property is

liable, and the county Treasurer shall collect the taxes charged against said property, and pay over and account therefor in the same manner as other taxes are collected and accounted for.

SEC. 86. The office furniture and other personal property of telegraph companies shall be listed and assessed in the county, township, town or city where the same is used or kept.

Personal property of telegraph company.

SEC. 87. If any person or corporation shall give a false or fraudulent list, schedule or statement required by this act, or shall fail or refuse to deliver to the Assessor, when called on for that purpose, a list of the taxable personal property which he is required to list under this act, he or it shall be liable to a penalty of not less than ten dollars nor more than two thousand, to be recovered in any proper form of action, in the name of the "State of Indiana," on the complaint of any person. Such fine, when collected, to be paid into the county treasury.

Proceedings in case of false or fraudulent schedule, etc..

SEC. 88. Whoever shall wilfully make a false list, schedule or statement, under oath, shall, in addition to the penalty provided in the preceding section, be liable as in the case of perjury.

Further penalty

SEC. 89. Every person that shall own or have in his possession, or subject to his control, any personal property within this State, with authority to sell the same, which shall have been purchased either in or out of this State, with a view of being sold at an advanced price or profit, or which shall have been consigned to him from any place out of this State for the purpose of being sold at any place within this State, shall be held to be a merchant; and at all times when he shall be, in pursuance of this act, required to make out and deliver to the Assessor a statement of his other personal property, he shall in like manner make statement of, and list as merchandise, all property held or owned by him appertaining to his business as a merchant, and in addition thereto attest, on oath or affirmation, the value of all such property appertaining to his business as a merchant, including, with amount on hand in actual possession, all amounts purchased with a view to possession or profit: *Provided*, That no consignee shall be required to list for taxation the value of any property the product of this State which shall have been consigned to him for sale or otherwise from any place within the State, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded: *Provided*, He shall in either case have no interest in such property, nor in any profit to be derived from its sale; and the word "person," as used in this and the two succeeding sections, shall be

Who shall be held to be a merchant, and how to list property.

Provided.

Provided.

held to mean and include "firm," "company," and "corporation."

Who shall be held to be a manufacturer, and how his property shall be listed.

SEC. 90. Every person who shall purchase, receive or hold personal property of any description for the purpose of adding to the value thereof, by any process of manufacturing, refining, rectifying, or by the combination of different materials with a view of making a gain or profit by so doing, shall be held to be a manufacturer, and he shall, at all times, when by virtue of this act he is required to make and deliver to the Assessor a statement of the amount or value of his or other personal property subject to taxation, also in like manner state the value estimated as provided in the preceding section, of all articles purchased, received, or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining, including the value of all manufactured articles on hand in actual possession, or elsewhere held for sale, and, in addition thereto, attest on oath the value of all such property appertaining to his business as a manufacturer, including manufactured articles.

Engines, machinery, etc., to be listed.

SEC. 91. Every person owning a manufacturing establishment of any kind, and every manufacturer, shall list as a part of his personal property, the value of all engines and machinery of every description used, or designed to be used, in any process of refining or manufacturing, (except such fixtures as shall have been considered as part of any tract or lot, or real property) including all the tools and implements of every kind, used or designed to be used for the purpose aforesaid.

Proceedings in case of failure to make out statement.

SEC. 92. In every case where any person shall refuse or neglect to make out and deliver to the proper Assessor, the statements prescribed in the forty-ninth section of this act, or shall refuse to take and subscribe the oath or affirmation required in said section, the Assessor shall, in every such case, proceed to ascertain the number of the several articles of each description enumerated in the said forty-ninth section, the value thereof, the value of the personal property subject to taxation, other than such enumerated articles; and to enable him to do so, he is hereby authorized to examine on oath any person whom he may suppose to have knowledge of the amount or value of the enumerated articles and personal property, which the person so refusing or neglecting was required to list.

Proceedings in cases where persons refuse to make oath.

SEC. 93. If any person who shall be required by the Assessor to give evidence, as provided in the preceding section, shall refuse to be sworn by the Assessor, or if, having been sworn, he shall refuse to answer such questions as the Assessor shall put to him touching the subject of inquiry,

any justice of the peace of the county, to whom the Assessor shall make application therefor, shall summon such person to appear before him, at such time as the Assessor shall designate, and answer on oath all pertinent questions which shall be put to him by the Assessor, or his order, touching the amount and value of the personal property and assessables (other than real estate), which the person required to list the same has neglected or refused to list; and every constable and witness, for refusal or neglect to obey the process of such Justice herein provided for and contemplated shall be subjected to the same penalties as they may by law be subject to for refusing to obey the process of Justices of the Peace in civil cases, and shall receive the same fees as for like services in civil cases; and such Justice of the Peace shall immediately proceed to enter judgment for all such fees and for his own costs, in favor of the State of Indiana, against the person who shall have refused to make and deliver to the Assessor a statement of the property which, by this act, he was required to list, or who shall have refused to take the prescribed oath as to the amount or value thereof, and proceed to collect and pay over the same, as in civil cases.

SEC. 94. Whenever it shall appear to the Treasurer of any of the several counties of this State that the property, real or personal, or the poll of any person liable to pay tax, has not been assessed by the Assessor, it shall be the duty of the county Treasurer to assess the property or poll of such person, and place the same upon the tax duplicate, and collect the taxes thereon the same as if it had been assessed by the legal Assessor: *Provided, however,* That all property assessed under the provisions of this act shall be assessed at a fair cash value; but the Treasurer shall not be required to assess such property upon actual view, nor to furnish the owner thereof with a blank list.

Duty of Treasurer where Assessor fails to assess property.

Proviso.

SEC. 95. All mills, manufactories, warehouses, and other structures, with the appurtenances and fixtures erected or placed upon any lands leased by the Board of Trustees of the Wabash and Erie Canal, shall be assessed to the lessees of such lands, or their assigns in possession of and occupying the same.

How mills, etc., on land of Wabash and Erie Canal shall be listed.

SEC. 96. The county Treasurer shall obtain payment of all taxes assessed on incorporated companies from the President or other proper officers of such companies, in the same manner as in other cases, and if not paid, shall proceed in the collection and payment thereof, and penalties thereon, in the same manner as in other cases, and shall be liable to the same penalties for the non-payment of moneys collected by him.

How Treasurer shall collect such taxes.

SEC. 97. Such taxes shall be paid out of the funds of the company, and shall be ratably deducted from the dividends

Out of what funds such taxes shall be paid.

of those stockholders whose stock was taxed, or shall be charged upon such stock, if no dividends be afterwards declared.

Duty of Treasurer and Auditor when such tax can not be collected.

SEC. 98. If the county Treasurer shall not be able to collect any tax assessed upon an incorporated company, he shall return the same to the county Auditor, and be allowed therefor as in other cases; and the county Auditor shall certify the same with the delinquent taxes to the Auditor of State.

Penalties, etc.

SEC. 99. The same penalties and interest shall be charged on the delinquent taxes due from incorporated companies as in other cases.

How State Auditor shall proceed where companies shall not have real estate.

SEC. 100. If any such company shall not have real estate out of which to make such delinquent taxes, the Auditor of State may, if he deem it expedient, cause to be filed in a proper court, a bill against such company, for the discovery and sequestration of its property; which court shall order such part of the property of such company to be sequestered as they shall deem necessary for the purpose of satisfying the taxes, penalties and interest in arrear, with the costs of prosecution; and they may also, at their discretion, enjoin such company and the officers thereof from any further proceedings under their act of incorporation, and may order and direct such other proceedings as they shall deem necessary to compel the payment of such tax, penalties, interest and costs.

How such taxes, etc., may be recovered.

SEC. 101. Or such tax, penalties and interest may be recovered, with costs from such delinquent company, by action in the name of the State on the relation of the Auditor of State in the Circuit or Common Pleas Court of the proper county.

Listing of real estate.

SEC. 102. All real property in this State, subject to taxation under this act, including real estate becoming taxable for the first time, shall be listed and assessed to the owner or owners thereof by the Assessor for the year one thousand eight hundred and seventy-three, and [every] two years thereafter, with reference to the amount owned on the first day of April of the current year, including all property purchased on that day: *Provided*, That no assessment of real property shall be considered as illegal by reason of the same not being listed or assessed in the name of the owner or owners thereof.

When owner and purchaser are liable.

SEC. 103. The owner of property on the first day of April in any year, shall be liable for the taxes of that year. The purchaser of property on the first day of April shall be considered as the owner on that day.

When real estate exempt from taxation is leased.

SEC. 104. When real estate, which is exempt from taxation, is leased to another whose property is not exempt, and the leasing of which does not make the real estate taxable,

the leasehold estate and the appurtenances shall be listed as the property of the lessee thereof, or his assignee, as real estate. Government lands, canal lands, university and school lands, purchased prior to the first day of April, shall be taxable for that year, and annually thereafter.

Government
lands, etc.,
when taxable.

SEC. 105. Whenever partition shall have been made, or other changes taken place in the ownership of any tract or lot of land, or any part thereof, by sale and conveyance, or by devise or descent, the County Auditor, on receiving satisfactory information thereof, shall transfer the same on the last appraisement list, and apportion the same, and the valuation thereof, to the several owners; such apportionment of value to be made by agreement of the parties, either in writing filed with, or personally in presence of the Auditor, he being satisfied of the justice thereof; otherwise to be ascertained by the Assessor.

When partition
has been made.

SEC. 106. The County Auditor shall have the right to examine the record of deeds and wills in his county, without charge, to enable him to discharge the duty required of him in the preceding section.

Right of Audi-
tor to examine
record of deeds
and wills.

SEC. 107. At the general election in October, A. D. one thousand eight hundred and seventy-four, and every two years thereafter, there shall be elected in each county in the State an Assessor for such county, who shall hold his office for the term of two years, and until his successor be elected and qualified, and shall perform all such duties as now are or may hereinafter be required to be performed by Assessors. Such Assessor, previous to entering upon the discharge of the duties of his office, shall give bond with good and sufficient security to the acceptance of the Board of County Commissioners, in the sum of five thousand dollars, payable to the State of Indiana, and conditioned for the faithful and impartial discharge of the duties of his office, according to law, and shall take and subscribe an oath or affirmation, to be endorsed on his bond, that he will faithfully and impartially discharge the duties of his office to the best of his skill and ability, and the bond so endorsed shall be deposited with the County Auditor, and the said Auditor is hereby authorized to administer the oath of office aforesaid.

Election of
County Assessor

Bond and oath
of office.

SEC. 108. If any County Assessor shall not, within ninety days after his election, give bond [and] security, or shall not take and subscribe the oath or affirmation required by the preceding section, the said office shall be considered vacant, and the County Auditor shall at once fill such vacancy by appointment, and the person appointed to fill the vacancy shall give bond and take the oath as required in the preceding section.

County Auditor
to appoint when
Assessor fails to
give bond.

Auditor to make out and deliver to Assessor list of lands and lots

SEC. 109. The County Auditor of each county shall, on or before the first day of April in each year in which the real property is assessed, make out and deliver to the Assessor, by civil townships, lists of all lands, town and city lots, entered on the duplicate of the preceding and present year, noting thereon all transfers which may have been made subsequent to making out of such duplicate, and shall also enter thereon all new entries and other lands and town lots lying within his county, which may come to his knowledge, and not previously entered for taxation: and it shall be the duty of said Auditor to furnish the Assessor with all blanks necessary in the discharge of his official duties.

Auditor to prepare plat.

SEC. 110. Said Auditor shall also prepare a plat of each civil township in his county, divided into sections and quarter sections, and deliver the same to the Assessor with said blanks, and it shall be the duty of said Assessor to designate the lands of each on such plat.

Duty of Assessor in assessing real estate.

SEC. 111. It shall be the duty of each Assessor elected or appointed in pursuance of this act, to assess as herein provided all the real estate in his county subject by law to taxation, as follows, to-wit: The Assessor [shall] upon actual view make a true valuation of all the lands, together with the improvements and buildings thereon or affixed thereto at their full, fair cash value, the same being the price which could be obtained therefor at private sale, taking into consideration the fertility and quality of the soil, the vicinity of the same to railroads, macadamized roads, clay roads, gravel roads and turnpike roads, State and county roads, cities, towns, villages, navigable rivers, water privileges on the same, or in the vicinity of the same, the location of the route of any canal or canals, with any other local advantages of situation: *Provided*, That said Assessor shall also value all lands at their cash value without taking into consideration any improvements that may be made thereon, and this valuation, as well as the valuation with improvements, shall be set down in a proper column to be left for that purpose. In-lots and out-lots in all towns, cities and villages, with the improvements thereon or affixed thereto, shall be valued at their true and full cash value as aforesaid, taking into consideration all the local advantages, to be valued upon actual view of the premises.

Provide.

Assessor to call on every person for list of lands and lots owned by him.

SEC. 112. The Assessor shall call upon each and every person resident in his county for a list of all lands and town in-lots and out-lots owned by such person or persons lying within his county, which may be subject to taxation, which list shall particularly set forth the names of the owner or owners, the number of acres of land in each particular tract, lot, section or subdivision thereof, the range, township, section, quarter section, tract, lot, or part thereof, or the number

of the entry, location or survey and water course, as the nature of the general or particular survey may require, and if the same can not be described by the congressional survey, then it shall be described by metes and bounds, so as to designate and identify the same; and in the French and English grants, or Clark's grant, shall set forth the quantity of land contained in the original survey, of which the tract listed is a part, subject to the provisions of this act; the number of the entry, water course, and the name of the original proprietor; also, all in-lots and out-lots owned or held as aforesaid, with the number thereof, as described on the recorded plat of said town or part thereof, if it has been subdivided; which statement shall be made out by the person assessed, or by the Assessor, from information given by such person, and shall be signed by the person making it.

Description, etc.

SEC. 113. If the owner or owners of any property required to be listed and assessed, by the preceding section of this act, shall be absent or unable to give in a list thereof when called upon by the Assessor, or if the owner or owners thereof shall not reside within the county, or shall fail or refuse to deliver to such Assessor a list of his, her or their real estate as aforesaid, it shall be the duty of such Assessor to make a list thereof according to the best information he can obtain, subject to the provision of the 111th section of this act, in the name of the owner, if known, or in the name of the person to whom the same is now listed; but if it be not listed, and the owner's name be unknown, then it shall be noted that the owner is unknown in the column of names; and to enable him so to do, he is hereby authorized to examine, on oath or affirmation, any person whom he may [suppose] to have knowledge of the amount, description, and value of all lands which such person refuses to list as required.

Proceedings where owner is absent, etc.

SEC. 114. The Assessor, in ascertaining or determining the quantity of land in the several tracts within his county, shall be governed by the following rules: Whenever the owner or person in whose name it is listed, shall hold, by virtue of a deed from another party, or from the State of Indiana, or by patent from the United States for Congress land, such deed or patent, if the quantity be therein stated, shall be taken and received as the evidence of the quantity in the tract described; but if such lands shall have been surveyed subsequent to the survey made by the United States, and it shall be proven to the satisfaction of the Assessor that any such tracts of land contain a greater or less quantity than is described in the patent or deed under which such lands are held, then the Assessor shall charge the owner with the true quantity as ascertained by such subsequent survey; if the owner or person in whose name any lands are listed within the French, or Clark's grant, shall hold, under an

Rules to govern Assessor in ascertaining the quantity of land in the several tracts.

original entry or survey with or without the patent thereon, it shall be the duty of the Assessor to require the said owners or holders to cause the same to be surveyed by the county surveyor, or some other competent person, and to return the quantity under the certificate of said surveyor, attested by oath or affirmation, within sixty days after said owners or holders shall have been called upon to list their lands for taxation; and if any such owner or holder shall refuse or neglect to survey and list his lands as herein provided, or if he, she, or they be non-residents of the county, then it shall be the duty of the Assessor to cause such lands to be surveyed and returned to himself; the expense of which survey shall be paid from the county treasury, and be by the Auditor of the county assessed against such lands in the succeeding year, and collected in the same manner as taxes are collected thereon: *Provided*, That if any owner or holder of lands has had the same previously surveyed, and shall produce to the Assessor a certificate of survey other than that under the original entry of said lands, such survey shall be taken by such Assessor; or if the Assessor shall be satisfied, from other competent evidence adduced to him, under oath or affirmation, that the quantity returned is correct, and that no surplus exists in the original survey, he shall enter and return the same without further survey for taxation: *Provided*, That the Assessor may deduct from the value of such tract of land owned by any person, the amount of the land occupied and used by any railroad or canal at the time of such assessment.

Provide.

Provide.

How Assessor shall complete his list.

SEC. 115. The Assessor shall complete his list, taken as before provided, placing on the same opposite to each tract of land listed, and if a town lot, or part of a lot, the value without improvements; and also in another column opposite, the value of the improvements erected thereon or affixed thereto; and opposite to each town lot or part of a lot, the value without improvements, and the value of improvements erected thereon or affixed thereto.

Assessor to inform owner of land, etc., of assessment, and time of meeting of Board of Equalization.

SEC. 116. The Assessor shall, at the time of making the assessment and taking the list required by the preceding section of this act, inform the owner or owners, his, her, or their agent or representative, if residing within the county, or shall leave a memorandum, containing a description and value of each tract, lot or parcel of land, at his, her or their place of residence, containing the amount at which his, her or their real estate has been assessed respectively, and of the time when the Board of Equalization for the county will meet for the purpose of hearing and determining grievances, and to equalize taxes within the same.

Assessor to enter and examine buildings, etc.

SEC. 117. For the purpose of enabling the Assessor to determine the value of buildings and other improvements,

he is hereby required to enter, with the consent of the owner or occupant thereof, and fully examine all buildings and structures of whatever kind, which are not by the laws of the State expressly exempted from taxation.

SEC. 118. Each Assessor shall, on or before the first Monday in June of the year in which the real estate is assessed, make out and deliver to the Auditor of his county, a return by civil townships, in tabular form and alphabetical order, contained in a book to be furnished him by such Auditor, of the amount, description and value of all the real estate subject to be listed for taxation in his county, which return shall contain :

What Assessor's
return to Audi-
tor shall contain

First—The names, arranged in alphabetical order, of the several persons, companies or corporations, in whose name the several parcels of real estate in each township within his county shall have been listed, and in appropriate columns opposite each name, the description, in manner as hereinafter required, of each parcel of such real estate, listed in such name, and the value of each separate parcel of such real property, as determined by the Assessor, from actual view.

Second—The names, arranged in alphabetical order, of the several persons, companies or corporations in whose names the several parcels of real property in any town or towns in his county shall have been listed, and in the appropriate columns, opposite each name, a description as hereafter set forth, of each parcel of real property in each town in his county, and the value thereof, as determined by the Assessor, as above specified, and such return shall distinctly set forth the name or names of the owner or owners of each separate parcel of real property, if known; and if unknown, that fact shall be set forth. Also, a description of each separate parcel of land or real property, in the following manner: If a town lot, or part thereof, the name of the town, the number, or other designation of the lot; and if a part of such lot, then the proportion and situation thereof, and the extent in feet along the principal street on which it shall abut. If the parcel of real property be other than a town lot, or a parcel thereof, the number of acres, the range of townships, the number of townships, the number of sections, tract, lot or subdivision of either, or other general designation of any subdivision, if there be no number, as the case may require. If such land be situated in the French or Clark's grant, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof, contained in each separate parcel so listed; and if any separate parcel of land shall comprehend the whole or parts of any two or more sections, lots, tracts, or surveys, then the statement shall set forth, as nearly as may be, the

number of acres taken from each section, lot, tract or survey, included in each parcel.

Oath of Assessor or Deputy Assessor.

SEC. 119. Each Assessor, or Deputy Assessor, shall take and subscribe an oath, which shall be certified by the magistrate or other officer administering the same, and attached to the return which he is required to make to the County Auditor, in the following form: I, _____ Assessor for the county of _____, in the State of Indiana, do solemnly swear that the return to which this is attached, contains a correct description of each parcel of real property within said county, as far as I have been able to ascertain the same: that the value attached to each parcel in said return is, as I verily believe, the full and true cash value thereof, estimated agreeably to the rules prescribed by law; that in no case have I knowingly omitted to demand a statement of the description and value of all the real estate which I am required by law to list, or in any way connived at any violation or evasion of any of the requirements of the law, in relation to listing and valuing real estate: which abstract shall be kept at the office of the County Auditor for the inspection of any owner of property contained in such abstract; and it shall be the duty of the County Auditor to give two weeks' public notice, by advertisement in a newspaper, if one be published in the county, or if no newspaper be printed in the county, by advertisement set up at the door of the court house, and at some public place in each township, of the time and place, when and where the Board for equalization for each county will meet for the purpose of hearing and determining grievances, and to equalize assessments thereon.

County Auditor to give public notice of time and place of meeting of board of Equalization.

When "refused to furnish a list" to be entered opposite a name.

SEC. 120. The Assessor shall enter, in a column provided for that purpose, opposite the name of every person, company or corporation, required to list his real estate, and [who] has refused to furnish the list required, these words: "Refused to furnish a list;" and he is hereby required to notify such person so refusing, the penalty to be attached.

Penalty of 25 per cent. for such refusal.

SEC. 121. The several County Auditors, in making out the duplicate of real estate, shall add twenty-five per cent. to the value of all real estate of every person, company, and corporation, opposite whose name the Assessor shall have noted his return the words "refused to furnish a list," and taxes assessed thereon shall be collected thereon by the County Treasurer for the benefit of the county, as other taxes are collected by him, unless otherwise ordered by the Board of County Commissioners.

Statement of property to be returned to Auditor.

SEC. 122. Each Assessor shall, at the time he is required by this act to make return of the taxable real property to the County Auditor, also deliver to him all the statements of property which he shall have received from persons

required to list real estate; the same arranged in alphabetical order by civil townships, and said Auditor shall carefully preserve the same in his office.

SEC. 123. If any County Auditor, upon receiving the returns made by any Assessor, shall be satisfied that he has omitted any parcel of lands, town lots, or part of either, within the county, which it was his duty to return, such Auditor may require such Assessor to correct such omission, and the Assessor shall, within ten days, correct all such omissions and make return thereof to such Auditor, and the correction shall be made upon the list of assessments; but nothing herein contained shall authorize any Assessor to reduce the amount assessed against any in his former returns.

Auditor may require Assessor to correct omission.

SEC. 124. Each County Auditor shall, from time to time, as he may discover any errors in the description or quantity of any land, town lots, or parts of either, correct the same upon the list of real property of his county.

Auditor may correct error.

SEC. 125. The assessment of the real estate made in pursuance of the provisions of this act shall constitute the basis upon which the taxes within the State shall be assessed for the ensuing two years, and until a re-assessment shall have been made as provided in this act.

Assessment to be for two years

SEC. 126. The Assessor shall also, between the first day of April and the first day of June, take a list of the taxable personal property in his county and assess the value thereof in this act provided, or may hereafter be provided by law.

List of taxable personal property, when taken

SEC. 127. The Assessor shall call at the office, place of doing business, or residence of each person required by this act to list property, and list his name, and shall require such person to make a correct statement of his taxable property in accordance with the provisions of this act; and the person listing the property shall enter a true and correct statement of such property, in the form prescribed by this act, which shall be signed and sworn to, to the extent required by this act, by the person listing the property, and delivered to the Assessor; and the Assessor shall thereupon assess the value of such property, and enter the same in his books: *Provided*, If any property is listed or assessed on or after the first day of June and before the return of the Assessor's books, the same shall be as legal and binding as if listed [and] assessed before that time.

Assessor to call on persons for list of personal property, etc.

Proviso.

SEC. 128. In each year in which the real property is listed and assessed, the personal property shall be assessed at the same time such real property is assessed, and by the same person or persons.

Personal and real property assessed at same time.

SEC. 129. Each Assessor shall, on or before the first Monday of June, annually, make out and deliver to the

Assessor to make out and deliver list to Auditor.

How list shall
be made out.

Auditor of his county, in tabular form and alphabetical order, a list or lists of the names of the several persons, companies, or corporations, in whose names any personal property, moneys, credits, or other taxables shall have been by him listed; on which list or lists he shall enter, separately, in appropriate columns, opposite each name, the aggregate value of the several species of personal property and taxables enumerated in the forty-ninth section of this act, as attested by the person required to list the same, or as determined by the Assessor; making separate lists of persons residing out of any incorporated town, and of persons who are residents of an incorporated town; the columns shall be accurately added up; and in every case where any person whose duty it is made to list any personal property or other taxables for taxation, shall have refused to make out and return to such assessor the lists of personal property and taxables enumerated in the forty-ninth section of this act, the Assessor shall enter, in an appropriate column, the words "refused to list;" and in every case where the person required to list personal property for taxation shall refuse to take and subscribe the oath or affirmation required of him by this act, in regard to the truth of his statement, the Assessor shall enter in an appropriate column, the words "refused to swear;" and in every case where any person required to list property for taxation shall have been absent, or unable from sickness, to list the same, the Assessor shall enter opposite his name, the word "absent," or "sick."

Statement of
persons also to
be delivered to
Auditor.

SEC. 130. Each Assessor shall, at the time he is required by this act to make return of taxable property to the County Auditor, also deliver to him all the statements of property which he shall have received from persons required to list the same, arranged in alphabetical order, corresponding with his list or lists, and the Auditor shall carefully preserve the same in his office; and each Assessor may, when taking lists of personal property, correct all errors of assessment of real estate which he may discover on the Assessor's books, either in the name of the person to whom the property is assessed, by change of ownership or otherwise, or in the description of property, and make return of the same to the County Auditor, at the same time they are required to make return of the lists of personal property.

Real estate to
be listed at same
time as personal
property.

SEC. 131. Each Assessor shall annually (except when the real estate is assessed), at the time of taking lists of personal property, also take a list of all real estate situate in his county, that shall have become subject to taxation since the last previous listing of property therein, with the value thereof, estimated agreeably to the laws regulating the duties of Assessors in relation to the assessment of real estate, and all new improvements, buildings, or other structures of any

kind, the value of which shall not have been previously added to or included in the valuation of the land on which such improvements have been made, or structures erected, and shall make return thereof to the County Auditor, at the same time that he is required by this act to make return of personal property; in which return he shall set forth the parcel of real property on which each of such improvements shall have been made, or structures erected, and the true value added to such parcel of real estate by the making of such improvement, or the erection of such structure, and the additional sum which it is believed the land on which the improvement shall have been made, or structure erected, will sell for at private sale, in consequence thereof, shall be considered the value of such improvement or structure; and in case of destruction by fire, flood, or otherwise, of any improvement, building, or structure, of any kind which shall have been erected previous to the last valuation of the land on which the same shall have been, and the value of which shall have been added to any former valuation of such land, the Assessor shall determine, as nearly as practicable, how much less such land would sell for at private sale in consequence of such destruction; and make return thereof to the County Auditor, as in this section before provided in relation to improvements made and structures erected.

Listing of improvements.

In case of destruction by fire, flood, or otherwise.

SEC. 132. It is hereby made the duty of each and every Assessor in the State at the time he makes assessment for taxation, to set down in the column headed "*for statistical purposes,*" presented by section 49 of this act, the number of domestic and farm animals of all kinds, and the quantities in bushels and tons of farm products of every kind in each civil township; also, manufactured products, bushels of coal mined, and such other items of product as may be directed by the Auditor of State, and at the time and in the manner he makes return of taxables to make return thereof to the Auditor of his county; and County Auditors, after receiving such return from the Assessor, shall, within fifteen days thereafter report the same to the Auditor of State, and the Auditor of State shall, without delay, prepare a condensed statement thereof in tabular form, exhibiting the products of each county and the aggregate for the entire State; such tabular statement shall be open to public inspection and shall also be embodied in the annual report of the Auditor of State.

Assessor to have column for statistical purposes

To be reported to State Auditor

SEC. 133. Each Assessor shall, in addition to the oath required of him in relation to the assessment of real property, take an oath or affirmation, which shall be certified by the magistrate or other officer administering the same, and attached to the return which he is required to make

Additional oath to be taken by Assessor.

to the County Auditor, in the following form : I, _____, Assessor for _____ county, in the State of Indiana, do solemnly swear (or affirm) that the value of all personal property, moneys, credits, and other assessables, of which a statement has been made and attested by oath or affirmation of the person required by law to list the same, is truly returned, as set forth in such statement; that in every case where by law I have been required to ascertain the amount and value of personal property and assessables of any person, company, or corporation, I have diligently and by the best means in my power, endeavored to ascertain the true amount and value of such personal property and assessables; and that, as I verily believe, the full value thereof, so ascertained by me, and estimated by the rules prescribed by law, is set forth in the annexed return; that in no case have I knowingly omitted to demand a statement of the description and value of personal property, or of the amount of moneys and credits, or of the amount and value of other stocks, bonds or other assessables which any person is required by law to list; nor have I in any way connived at any violation or evasion of any of the requirements of law in relation to listing or valuing personal property, moneys, credits, stocks or other assessables for taxation.

List of deaf and dumb and blind.

SEC. 134. It shall be the duty of the Assessor [s] at the time of assessing personal property, to ascertain and set down in tables prepared for that purpose, a list of all persons in their respective townships, who are deaf and dumb, or blind, setting forth the names, age, and sex of each, also the name of the father, mother, or guardian, and their post-office address, which they shall return to the County Auditor at the same time they return the lists of personal property. The said County Auditors shall report the same to the Auditor of State, at the time of making their returns of the lists of personal property, who shall lay before the Superintendents of the Institute for the Education of the Blind and of the Deaf and Dumb, copies of the lists so made.

Auditor to make out duplicate list of taxes.

SEC. 135. The Auditor of each county shall, annually, between the first Monday of June and the fifteenth of December, make out a duplicate list of taxes assessed in said county, according to the forms which shall be furnished by the Auditor of State; and in so doing, he shall enter in separate columns: First, all lands in each civil township, with the names of the owners in alphabetical order, the value of the lands without improvements, and opposite to this the value of such land with improvements. Secondly, in like order he shall enter all town in-lots and out-lots, situate in such township, with the improvements thereon.

Thirdly, in its place, all corporation stock, except stocks of national banks, which shall be assessed and taxed as in this act elsewhere provided. Fourthly, all other personal property subject to taxation, and which shall be charged, together with the poll tax, in the civil township where the owner resides. Fifthly, he shall number each original township in regular progression as the same shall stand entered on his duplicate, and the same townships shall retain the same numbers from year to year; and, sixthly, he shall number each name in each township in regular progression.

SEC. 136. The County Auditor, in making out such duplicate, shall be careful to enter thereon all the lands previously entered for taxation, with the valuation thereof as heretofore assessed, and all such lands as by mistake or neglect shall have been omitted to be entered; also, all such lands as shall be found to have become subject to taxation since the last assessment, with such valuation as shall be affixed thereto by the Assessor; and he shall enter all personal property according to the list of the last assessment made in conformity to this act, giving a pertinent description of all property thus entered on his duplicate, and duly [enter] all transfers of lands noted in his office since the last assessment, and carry into effect all alterations which shall be made in the Assessor's lists by the Board of Equalization.

List to contain all lands previously entered, etc.

Also all personal property, etc.

SEC. 137. When any building or personal property listed for taxation, shall be consumed by fire, or otherwise destroyed, the Auditor, on being satisfied thereof, shall strike the same from his duplicate, or deduct the proper proportion from the valuation of the land or other property with which the same may stand charged on such duplicate.

When property is consumed by fire or otherwise

SEC. 138. The County Auditor shall estimate in dollars and cents, rejecting fractions of a cent, and set down on such duplicate in one column the State, county, school, township, road, and all other taxes chargeable on the valuation of property contained in such duplicate, including, also, the poll tax for State, county, and all other purposes, and he shall set down, in a separate column, the amount of taxes on all property returned delinquent for any preceeding year, and remaining unpaid, and a penalty of ten per cent on the same, and shall carry out the aggregate amount into a column of totals.

What and how auditor shall set down on duplicate.

SEC. 139. He shall add up and set down on each page of such duplicate the several columns containing the valuation of real and personal estate taxes charged, and the number of acres, carrying the same forward from page to page, to the close of each township, and at the end of the duplicate he shall recapitulate the several townships, and apportion the amount of taxes levied on the polls and property in each township, and set down in separate columns the amount of

Add up and apportion the rates, etc.

State, county, school, township, road, and all other taxes levied, and add up and set down the aggregate of the above for the whole county.

Treasurer to receive copy of duplicate.

SEC. 140. He shall cause a copy of such duplicate to be delivered to the Treasurer of his county, on or before the fifteenth day of December, in each year.

Abstract to be sent to State Auditor.

SEC. 141. He shall also make out and cause to be transmitted to the Auditor of State, on or before the first day of January in each year, a complete abstract of all the property listed in each township, the valuation thereof, the number of polls, the amount of each kind of tax, and the aggregate thereof in the county, and certify the same; as also the rate of each kind of tax assessed.

Auditor to correct errors, and give certificate of such.

SEC. 142. He shall, from time to time, correct all errors which he may discover in his duplicate, either in the name of the person charged with taxes, the description of the property, or the amount of tax charged; and when such correction is made after the duplicate shall have been delivered to the Treasurer for collection, the Auditor shall give to the person to be benefitted thereby, a certificate of such correction, to be presented to the Treasurer, who shall make the like correction on his duplicate, and keep such certificate as his voucher on settlement with the Auditor.

50 per cent. to be added for refusal to list or swear.

SEC. 143. Each county Auditor shall add to the value, as returned by the assessor, of all personal property and of all moneys, rights, credits, effects, and stocks which the owner, or other person in behalf of the owner, whose duty it is made by this act to list the same, has refused to list, or to the value of which such person shall have refused to swear when required so to do, in obedience to the provisions of this act, fifty per centum on the value so returned by the Assessor.

Proceedings in cases where from sickness or absence no statement is made.

SEC. 144. If any person required to list property for taxation shall have been prevented, by sickness or absence, from making and delivering to the Assessor such statement, such person, or his agent, having charge of such property, may at any time before the assessment of taxes thereon by the County Auditor, make out and attest, on oath or affirmation, before the County Auditor who is hereby authorized to administer the same, a sworn statement as required by this act, and the County Auditor shall, in such case, make an entry thereof on the return for the proper township, and correct the corresponding item or items in the returns made by the Assessor, as the case may require; but no such statement shall be received by the County Auditor from any person who shall have refused to make out such statements in the manner required by this act, and deliver the same to the Assessor within the time required by this act, nor from any person, unless he shall make and file with the County

Auditor an affidavit that the person required by this act to list the same was absent from his township without design to avoid the listing of his property, or was prevented by sickness from making out and delivering to the Assessor the required statements within the time prescribed by law.

SEC. 145. If, from a careful examination of the returns made by the Assessor, the Auditor shall discover any tract of land, town lot, or part of either, in his county, shall have been omitted in the returns of such Assessor, he shall add the same to his list of real property, with the name of the owner, and forthwith notify the Assessor in whose returns such omission occurred thereof, and such Assessor shall forthwith proceed to ascertain, and return to the County Auditor the value of the tract or lot, or part thereof, so omitted; or the Auditor may himself ascertain the value of such tract or lot or part thereof, and add the same to the list of real property.

Auditor to add all omitted land, etc., to list.

SEC. 146. The County Auditor, if he shall have reason to believe, or be informed, that any person has given to the Assessor a false or incorrect statement of his personal property, moneys, rights, credits, effects or stocks, or that the Assessor has not returned the full value of any such assessables, required to be listed in the township, or has omitted and made an erroneous return of any such assessables, shall proceed, at any time before the final settlement with the County Treasurer, to correct the duplicate and to charge such person with the proper amount of taxes thereon; to enable him to do which, he shall be invested with all the powers conferred on Assessors by this act; and it shall be the duty of the Auditor in all such cases, before making the entry upon the duplicate, to notify such person that he may have an opportunity of showing that his statement, or the return of the Assessor, was correct; and the County Auditor shall, in all cases, file in his office a statement of the facts or evidence upon which he made such correction; but he shall in no case reduce the amount returned by the Assessor without the written assent of the Auditor of State, given on the statement of facts submitted by the County Auditor.

Proceedings where false or incorrect statement of personal property is made.

SEC. 147. County Auditors shall not publish in the list of delinquent or forfeited lands, any tract or lot upon which the taxes due shall not be more than double the cost of publishing such tract or lot; but such tract or lot shall be retained upon the duplicate until the taxes due thereon shall be more than double the cost of publishing the same in the list of delinquent or forfeited lands.

No lands to be published where tax is not double cost of publishing.

SEC. 148. If any County Auditor, upon receiving the returns of any Assessor, shall be satisfied that such Assessor has omitted any personal property, moneys, rights, credits, effects or stocks, in his township, which it was his duty to

Auditor may require assessor to correct list.

return, such Auditor may, if he deem it expedient, authorize and require such Assessor to proceed to correct any error or omission which may have occurred, as aforesaid; and, in such case, such Assessor shall, within ten days after being so required and authorized, proceed to correct such errors and omissions, and make return thereof to such County Auditor; but nothing herein contained shall authorize any Assessor to reduce the amount assessed against any person in his former return; and such County Auditor shall charge such person with the additional amount, if any, returned by such Assessor.

The amount not to be reduced.

Blank lists, &c., to be printed.

SEC. 149. The several County Auditors in this State shall, on or before the first day of April in each year, cause to be printed, at the expense of their respective counties, a sufficient number of blank lists, forms and instructions, required by this act, or by the Auditor of State, and shall deliver the same to the Assessors.

Meeting of Board of Equalization.

SEC. 150. The Board of County Commissioners, Auditor and Assessor, shall meet at the seat of justice of each county, on the first Monday of June annually, and shall constitute a Board of Equalization, who shall have power to hear and determine the complaint of any owner of any real or personal property, moneys, rights, credits, and effects, or poll listed, respecting the same, and the valuation of any such property or taxables, made subsequent to the preceding first day of April, and shall correct any list or valuation as they may deem proper, and shall have power to equalize the valuation made by the Assessor, either by adding to or deducting from their valuation such sums as to them, or a majority of them, shall appear just and equitable.

Where personal property is assessed out of the State.

SEC. 151. If any person who has been assessed with personal property out of the State, shall satisfy the Auditor of the county where such assessment is made, by his own affidavit and such other evidence as such Auditor may require, that he has paid a tax on such property for the current year, in any other State in the Union, such Auditor shall release such property from taxation.

Treasurer to receive duplicate.

SEC. 152. The County Treasurer shall receive from the County Auditor the duplicate of Taxes whenever presented between the first Monday in June and the 15th day of December.

Treasurer to collect same.

SEC. 153. Immediately on receiving such duplicate he shall proceed to collect the same, and for that purpose he shall attend at his office, at the seat of justice, until the third Monday of April next thereafter.

Notice and publication.

SEC. 154. He shall forthwith cause notice to be posted up at the court house door, and in three other public places in the county, and also cause the same to be published in some newspaper having general circulation in his county if

any there be, for three weeks successively, stating in such notice the amount of tax charged for State, county, school, road, or other purposes, on each one hundred dollars valuation of the taxable property; also the tax on each poll for State, county, or other purposes.

SEC. 155. In case any person shall refuse or neglect to pay the tax imposed on him, the County Treasurer shall, after the third Monday of April, levy the same; together with ten per centum damages, and the costs and charges that may accrue, by distress and sale of the goods and chattels of such person who ought to pay the same, wherever the same may be found within the county: *Provided*, That the County Treasurer shall at all times have power to levy and collect [delinquent] or other than a current year's taxes; and it is hereby made such Treasurer's duty to levy and collect such delinquent taxes whether they be charged upon a current year's duplicate or otherwise, as well before as after his return and settlement for a current year's taxes.

Proceedings
when tax is un-
paid after 3d
Monday in
Apr 1.

Proviso.

SEC. 156. The Treasurer shall give public notice of the time and place of sale, and of the property to be sold, at least ten days previous to the day of sale, by advertisement to be posted up in at least three public places in the township where such sale shall be made.

Notice of sale of
property.

SEC. 157. Such sale shall be by public auction, and no more property shall be sold than sufficient to pay the tax, costs and charges; if convenient, to be sold in parcels, and if sold for more than the amount necessary, the surplus shall be returned to the owner of such property.

Sale to be by
public auction.

SEC. 158. In case the Treasurer shall have cause to fear that any person charged with tax is about to remove from the county without payment of his tax, he may, at any time, in like manner levy such tax, costs and charges, by distress and sale.

When person is
about to remove
from county.

SEC. 159. The several County Treasurers be and they are hereby required, immediately after their April settlement with the Auditor of State, either in person or by deputy, to call upon every delinquent taxpayer in their respective counties, and, if necessary, to distrain property for the collection of such delinquent tax, together with penalty and interest. The said Treasurer shall, annually, on the fifteenth day of December, file with the Auditors of their respective counties schedules of all such delinquent taxes collected by them, verified by their oath or affirmation, and the Auditor shall certify in such manner as the Auditor of State shall direct, the amount thereof due the State for all purposes, and the amount due the county, and all other local purposes; and it shall be the duty of such County Auditor to forward certified copies of such certificates forthwith to the Auditor of State.

Treasurer to call
on delinquent
tax payer.

And file with
auditor sched-
ules of delin-
quent taxes.

County Treasurer to pay State taxes, etc. to State Treasurer.

SEC. 160. Each County Treasurer shall, on or before the first day of January in each year, pay over to the State Treasurer all the moneys found due for State revenue, school tax and all other State purposes, according to the certificate of settlement with the Auditor of his county, and shall take a proper receipt or receipts from the Treasurer for the money so paid, which he shall deposit with the Auditor of State, who shall give him a quietus.

Compensation of County Treasurer.

SEC. 161. The said Treasurers shall be allowed for their services in making such collections five per centum on the amount of all such collections of delinquent taxes, payable in just proportion out of each fund collected, and shall also be allowed constables fees and mileage from the place of holding elections in each township to the residences of such delinquent taxpayers, which shall be collected from such taxpayers.

When tax is personally due to Treasurer.

SEC. 162. Whenever any County Treasurer or collector for any previous year shall have charged himself with, and accounted for, any tax that shall not have been paid to him, such tax shall be deemed and taken as due him personally, whether in or out of office, and may be by him collected in the same way as other taxes due and unpaid are collected.

When delinquent tax payer removed from county.

SEC. 163. That whenever any person shall be returned by a County Treasurer to the County Auditor as delinquent for the non-payment of taxes, and such person shall have removed from the county in which he was assessed, to any other county in this State, it shall be the duty of the said Treasurer, in making such return, to write opposite the name of such, the words, "removed from this county," stating also the name of the county to which such person shall have removed, if known to such Treasurer.

Proceedings in said cases.

SEC. 164. It shall be the duty of the County Auditor, whenever he shall be advised by the return of the Treasurer, or by any other means, that any delinquent taxpayer has removed as aforesaid, if such Auditor shall be satisfied that there is a reasonable prospect of collecting said taxes, to make out a list of the taxes owing by such person, specifying therein what is State, and what are county, school and road taxes; which list shall be certified to be correct, under the hand and seal of such Auditor, and the said Auditor shall transmit the said list to the Auditor of the county to which such person shall have removed; and the said County Auditor for making out and transmitting the said statement, shall be entitled to the sum of fifty cents, and the County Treasurer is required to collect the same from such delinquent taxpayer.

Further proceedings.

SEC. 165. The County Auditor to whom such list shall be sent, shall immediately enter the same on his tax dupli-

cate, and charge the Treasurer of his county with the amount, and instruct him to collect the same.

SEC. 166. The said County Treasurer shall proceed to collect the said taxes, interest, damages, and fees; and, in so doing he shall be governed by the provisions of this act, and the laws in force regulating the duties of County Treasurers; and when the same is collected, the County Treasurer shall pay the same into the State Treasury; the county, school, and road tax and fees, shall be entered to the credit of the county entitled to the same, and the Treasurer of State shall pay the same over to the proper County Treasurer.

Further proceedings.

SEC. 167. The Auditor and Treasurer of the county to which such statement shall have been sent, shall be allowed the same fees as they are now allowed or may hereafter be allowed for similar services.

Fees allowed in said cases.

SEC. 168. The Treasurer shall receive the tax on a part of any real estate charged with taxes, provided the person paying such tax shall furnish a particular specification of such part, and shall pay a like proportion of all the several taxes charged thereon for State, county, road, or other purposes; and if the tax on the remainder of such real estate shall remain unpaid, the Treasurer shall enter such specification on his return to the County Auditor, to the end that the part on which the tax remains unpaid may be clearly known; but such payment shall not discharge any lien of the State as provided for in this act.

Tax may be paid on part of real estate.

SEC. 169. The lien of the State for all taxes for State, county, school, road, or township purposes, shall attach on all real estate on the first day of April, annually, and such lien shall be perpetual for all taxes due from the owner thereof, which have heretofore accrued, or shall hereafter accrue, with the interest and penalties in each case, until payment, which lien shall in no wise be affected or destroyed by any sale or transfer of any such real estate.

When the lien of the State on real estate attaches.

SEC. 170. All the property, both real and personal, situated in any county, shall be liable for the payment of all taxes, penalties, interest and costs charged to the owner thereof in such county, and no partial payment of any such taxes, penalties, interest, or cost, shall discharge or release any part or portion of such property, until the whole be paid; which lien shall in no wise be affected or destroyed by any sale or transfer of any such personal property.

All property liable for taxes, etc.

SEC. 171. If any such partial payment be made, and the payer desires it to be applied on any particular property, real or personal, the property so designated shall not be sold for the residue of the taxes due, if property of the same description can be found sufficient to make the balance due.

When partial payment is made.

Penalty for non-payment of tax.

SEC. 172. There shall be a penalty assessed of ten per cent. upon the amount of taxes returned delinquent, which the persons or property assessed shall be liable to pay, together with interest upon the whole amount until paid.

Receipt when tax is paid.

SEC. 173. Whenever any tax is paid, the Treasurer shall note the same on his duplicate, and shall give the person paying the same a receipt, specifying the amount paid, what paid for, and the property on which the same was assessed, according to its description, and the number of the owner's name on the duplicate.

Written guaranty in case of sale of land, etc.

SEC. 174. It is hereby made the duty of the County Treasurer at the time he sells lands for taxes unpaid and delinquent, as is directed in this act, and after the purchasers of lands under such sales shall have made payment of the amount of their bids, respectively, to indorse upon or annex to each certificate to be given to the purchaser by the County Auditor, as required by this act, his written guaranty, signed by him, warranting that the taxes due upon the tract or tracts, lot or lots, piece or parcel of land, which, or a portion of which, are named upon such certificates, for the years for which the same shall have been returned delinquent, have never been paid by the owner nor by any person on his behalf, and that the same were yet due and unpaid at the time of the sale thereof named in such certificate. And if it should at any time appear that such County Treasurer had before the time of making such guaranty, received, either in person or by deputy, the said taxes assessed against such tract or tracts, lot or lots, piece or parcel of land, the holder of such certificate is entitled to his action upon such written guaranty aforesaid, forthwith upon the fact becoming known that such lands were improperly sold, and without awaiting the accrual of any special damage to such holder; and, in such action, the measure of damages to which such holder of such certificate is entitled, is double the amount paid by such holder, as taxes, interest, penalty and charges, with lawful interest thereon; or, such holder is entitled to his action on the official bond of such Treasurer, against him and his sureties, as for dereliction in duty, in which action the measure of damages is the same as above mentioned.

Recourse when tax has been paid.

Where Treasurer fails to give credit for tax paid, an owner deprived of title to land.

SEC. 175. If any County Treasurer shall fail to give proper credit for any taxes paid to him, whereby the owner of any tract lot, parcel or piece of land may be deprived of his title thereto, or to some portion thereof, or whereby such title may be jeopardized by proceeding under this act, or any acts amendatory hereof, such failure shall be held as a dereliction of duty; and the said owner or his legal representatives may, in an action against such Treasurer, or upon his official bond, recover a judgment for double the amount

of all the damages, costs, and charges to which such owner may have been subjected in consequence of such failure.

SEC. 176. Whenever any tract, parcel, or lot of land shall have been assessed to two different persons, and the entire tax shall have been paid by either of them, if the Treasurer shall sell such land as delinquent on account of the non-payment by the other party, of the taxes assessed against him thereon, such sale shall be held to be a dereliction of duty; and the party damaged by such sale shall have his right of action against such Treasurer, personally, or on his official bond, and in such action the measure of damages shall be the same as prescribed in the preceding section.

Where land assessed to two persons has been sold and tax was paid.

SEC. 177. Whenever it shall appear to the board doing county business in any of the counties of this State, that by reason of erroneous charges on the tax duplicate, or from any other cause, the Treasurer of such county has paid and accounted to said board for more money than was justly due from him on account of county revenue, said board doing county business shall direct the Auditor to credit said Treasurer with the sum or sums thus improperly paid, and order the same to be refunded from the County Treasury.

When Treasurer overpays his collection to county.

SEC. 178. Whenever similar improper or erroneous payments have been made by any County Treasurer to the State Treasury, the board doing county business shall direct the Auditor to certify said improper or erroneous payments to the Auditor of State, under his seal of office, who shall audit and allow the same as a claim against the treasury, and the Treasurer shall pay the same out of any moneys not otherwise appropriated.

When he overpays to State.

SEC. 179. The provisions of the two preceding sections shall extend to persons who have been, as well as those who are now, and shall hereafter be, County Treasurers.

To apply to previous and present Treasurers.

SEC. 180. The County Auditor and Treasurer shall attend at the office of said Auditor on the third Monday in April, annually, and the Treasurer shall then and there make settlement with the Auditor for the amount of taxes for which said Treasurer is to stand charged, as follows:

How and when Treasurers shall make settlement.

First—The Auditor shall take from the duplicate in the hands of the Treasurer for collection, a list of all such taxes as said Treasurer shall have been unable to collect, therein describing the property on which such delinquent taxes are charged as the same property is described on such duplicate.

Second—Such list shall be signed by the Treasurer, and he shall also testify to the correctness thereof under oath or affirmation to be administered by the Auditor.

Third—The Auditor shall forthwith record such list of delinquencies in his office, and deliver the same to the Treasurer, who shall immediately proceed to collect the same as directed in section one hundred and fifty-four of this act,

first having receipted to the Auditor on the proper delinquent record for such delinquent list.

Fourth—In making such delinquent list, the delinquencies of each civil township shall be kept separate and distinct; and it shall be the duty of the Auditor in making such list to divide it into proper township books, or otherwise arrange it in such form and parts as to best meet the wants and convenience of the Treasurer in collecting the same.

Fifth—After deducting the amount of taxes so returned delinquent, and the collection fees allowed the Treasurer, from the several taxes charged on the duplicate, in a just and rateable proportion, the Treasurer shall be held liable for the balance.

Sixth—The Auditor shall certify, in such manner as the Auditor of State shall direct, the balance due for all State purposes, and the balance due for county or other local purposes, which certificate he shall deliver to the Treasurer, who shall deliver the same to the Auditor of State, at the time he makes settlement with him, as hereinafter provided.

Auditor to certify balance due and give certificate, etc.

When County Treasurer shall pay to State Treasurer. Receipts, etc.

SEC. 181 Each County Treasurer shall, on or before the fifteenth day of May in each year, pay over to the State Treasurer all the moneys found due for all State purposes according to the certificate of settlement with the Auditor of his county, and take a receipt or receipts for the money so paid, which he shall deposit with the Auditor of State, who shall give him a quietus.

Revenue collector to pay over, etc.

SEC. 182. The Revenue collected for county, road and other purposes, shall be paid over, and settlement therefor made, as may be provided in the several acts and sections relating thereto, and to the duties of the County Auditors and Treasurers.

When Treasurer fails to make return and settlement with County Auditor.

SEC. 183. If any County Treasurer shall refuse or neglect to make return or settlement with the Auditor of his county, as in this act required, he and his sureties shall be held liable to pay the full amount of the taxes charged on the duplicate, respecting which he so refuses or neglects to make return or settlement, together with interest from the time when such return or settlement should have been made, and ten per centum damages.

His sureties to be liable.

SEC. 184. If any such County Treasurer shall refuse or neglect to pay over all moneys, as provided herein, he and his sureties shall be held liable to pay the full amount which he should have paid over, together with the interest and ten per centum damages.

Suit to be instituted, etc.

SEC. 185. In any such case, the County Auditor, on being instructed to that effect by the Auditor of State, or by the Board of County Commissioners, shall cause suit to be instituted against such County Treasurer and his sureties; and no stay of execution or appraisement of property

shall be allowed on a judgment rendered or execution issued in such suit.

SEC. 186. No such suit shall be continued (without the consent of the attorney prosecuting the same) for want of service of process on all the defendants; but judgment may be rendered against the defendants on whom process has been duly executed; and by appropriate process, the other defendants may be made parties to such judgment at any subsequent term of the court in which such judgment shall have been rendered.

Suit not to be continued for want of service on all defendants.

SEC. 187. The stated account of the Treasurer against whom suit is brought, certified by the Auditor of State, as truly transcribed from the account current against such Treasurer on the books of said Auditor's office, authenticated by the State seal, shall be conclusive evidence of the demand of the State against such Treasurer and his sureties.

State account of Treasurer conclusive evidence

SEC. 188. No payment, set-off, or claim of credit shall be allowed in any such suit, in favor of the Treasurer or his sureties, unless the same shall have first been presented to the Auditor of State, and allowed or rejected by him, unless the same could not, by using due diligence, have been so presented for his determination thereon, before the trial of such suit.

No payment, etc., to be allowed unless allowed by State Auditor.

SEC. 189. In all suits brought against any County Treasurer and his sureties, the County Auditor shall be a competent witness, and all books and papers belonging to his office shall, when proved by the oath of the Auditor, be admissible testimony.

County Auditor competent witness.

SEC. 190. The Sheriff or other officer who shall collect any money from a delinquent County Treasurer or his sureties, shall, within ten days after the collection thereof, pay into the County Treasury such portion thereof as shall belong to the county, and within thirty days after such collection shall pay into the State Treasury the portion belonging to the State, retaining the same traveling fees allowed by law to County Treasurers; or he shall pay the same over in such other manner as the Auditor of State may direct.

Sheriff to pay over money collected from delinquent Treasurer.

SEC. 191. If any Sheriff or other officer to whom execution against a delinquent Treasurer or his sureties shall be delivered, shall neglect or refuse to execute the same or shall neglect or refuse to pay over any money collected thereon, he and his sureties shall be liable to the same penalties, and be proceeded against in the same manner, and subject to the same disabilities as herein provided against delinquent Treasurers and their sureties.

Where Sheriff fails to levy execution in such cases.

SEC. 192. If any Deputy Treasurer shall fail or refuse to pay over to his principal on demand, any taxes or other money by him collected as Deputy Treasurer, the same

Liability of deputy Treasurers.

proceedings may be had and penalties recovered against him and his sureties as herein provided against delinquent Treasurers and their sureties.

Delinquent tax may be paid before property is sold.

SEC. 193. Delinquent taxes, with penalty, interest and costs, may be paid to the County Treasurer at any time before property is sold therefor.

List of delinquent lands to be made out.

SEC. 194. Between the fifteenth days of December and the first of January, annually, the County Auditor shall make out and record, in a book to be provided for that purpose, a list of all lands returned and remaining delinquent for taxes, describing such lands as the same are described in the tax duplicate, and charging them with the amount of delinquent tax, with interest, and a penalty of ten per centum on such taxes, also with the taxes of the current year, and shall certify to the correctness thereof, with the date when the same was recorded, and sign the same officially.

And published.

SEC. 195. He shall cause a copy of such list to be immediately published, for four weeks successively, once in each week, in some newspaper having general circulation in his county, if any be printed therein, at a cost of not exceeding thirty cents per tract or lot of land, including valuation and taxes, and in case the publisher of such newspaper should refuse to publish the same on the terms herein provided, it shall be the duty of the Auditor to have such list printed in hand-bill form on the best terms that can be had, three copies of which shall be posted up in public places in each township of his county, at least four weeks before the day of sale, to which shall be attached, and in like manner published, a notice that so much of said lands as may be necessary to discharge the taxes, interest, and charges which may be due thereon, or due from the owner thereof at the time of sale, will be sold at public auction, at the court house in such county, on the second Monday in February next thereafter.

Copy of notice and certificate to be placed on record, etc.

SEC. 196. The County Auditor shall, on or before the day of sale, insert at the foot of such list on his record, a copy of such notice, and certify on said record immediately following such notice, the manner in which the same was published, giving the name of the paper in which the same was published, and the length of time during which it appeared.

Sale of such land.

SEC. 197. On the day mentioned in the notices, the County Treasurer shall commence the sale of such lands, and shall continue the same from day to day, until so much of each parcel assessed, or belonging to each person assessed, shall be sold as will pay the taxes, interest and charges thereon, or chargeable to such person in said county.

SEC. 198. The person offering at said sale to pay the required sum for the least quantity of any tract, shall be considered the purchaser of such quantity. Who shall be purchaser.

SEC. 199. When more than one tract belonging to the same person shall be for sale, at the same time, in the same county, each such tract as offered, shall be for the payment of the whole sum due from such owner on all such delinquent lands, or otherwise; and if no person shall bid off a part or the whole of such tract for the sum required, the said tract shall then be offered to the highest bidder; and if any amount shall yet remain due, the other tracts shall be proceeded with in like manner, until the required sum shall be realized. When more than one tract belonging to same person is offered for sale.

SEC. 200. When less than the whole of any tract of land shall be sold, the quantity sold shall be taken off and laid out in a square form, as near as practicable, at the most northwesterly corner of the tract; and when less than the whole of any in-lot or out-lot of any city or town shall be sold, the part sold shall be taken off and laid out, so that it shall extend from the main or principal street, road or alley, forming the most convenient front to such lot, to the rear of such lot, and to bound the same by lines as nearly parallel with the outlines of such lot as practicable. When less than the whole of tract is sold.

SEC. 201. The purchasers at such sale shall immediately pay the amount of their respective bids to the Treasurer; or on their failure so to do, the land shall be again forthwith offered for sale, the same as if no sale had been made; and the purchasers so failing shall forfeit and pay for the use of the common school fund of the county, a penalty of twenty-five per centum on the amount of their bids, to be recovered by action of debt, in the name of the Treasurer, before any Justice of the Peace or Court having jurisdiction thereof. Purchaser to pay amount of bid.

SEC. 202. The County Auditor shall attend as the clerk of the sales of such delinquent lands, and shall enter the same on a sufficient record book, giving a description of the proper tract or lot, showing how much of each was sold, to whom, and the price, or whether the same remain unsold. County Auditor to be clerk of sale, etc.

SEC. 203. After payment shall have been made, the County Auditor shall give to the purchaser a certificate in writing, describing the land so purchased, the sum paid, and the time when the purchaser will be entitled to a deed; which certificate shall entitle the holder to the possession of the premises therein described. Certificate to be given purchaser.

SEC. 204. The said certificate shall be assignable; but no assignment thereof shall be valid unless acknowledged before some Justice of the Peace, or the proper County Auditor, and recorded in such Auditor's office. Assignment certificate.

When lands shall have been returned delinquent for 7 consecutive years.

SEC. 205. The Treasurer of any county in which there are lands or town or city lots which have been returned delinquent for the taxes seven consecutive years, and the taxes remain unpaid, shall advertise and sell as other delinquent lands are sold, except that he shall in such advertisement specify that those lands or town lots will be sold to the highest bidder, in fee, for cash; and when any such lands are thus sold, the Auditor of said county shall give to the purchaser a certificate of purchase, which certificate shall be evidence of the purchase, and shall entitle the holder on presentation to the said Auditor of said county, to a deed as in other cases provided by law for making deeds to lands sold for the taxes: *Provided*, That in no case a deed can be made by said Auditor, in a less time than two years after the date of such purchase.

Proviso.

Right of redemption.

SEC. 206. Any person or persons claiming to be the owner or owners of such real estate, shall have power to redeem such real estate sold, as herein provided, any time within two years after the same may have been sold, as in other cases provided for the redemption of lands sold for the taxes.

Proceeds of such sales, how applied.

SEC. 207. The proceeds of the sales of such real estate shall be applied to the common school fund of this State, after deducting the expenses and charges of the sale of the same as herein provided.

Right of redemption again.

SEC. 208. The owner or occupant of any land sold for taxes, or any other person, may redeem the same at any time within two years after the last day of such sale, by paying to the County Treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in his certificate, and the amount of all subsequent taxes paid, with fifty per centum on the whole sum, and interest from the date of purchase or from the time of payment.

The aggregate tax only to be stated.

SEC. 209. In advertising lands and town lots for sale for taxes, it shall only be necessary to state in the aggregate the amount of taxes, penalty, interest, and cost due thereon, including the taxes for the current year.

Right of redemption to infants, etc.

SEC. 210. Infants, idiots, femmes covert, and insane persons may redeem any lands belonging to them, sold for taxes, within two years after the expiration of such disability.

Where lasting and valuable improvements have been made.

SEC. 211. In case any lasting and valuable improvements shall have been made by the purchaser at a sale for taxes, or by any person claiming under him, and the land on which the same shall have been made shall be redeemed as aforesaid, the premises shall not be restored to the person redeeming until he shall have paid or tendered to the adverse party the value of such improvements; and if the parties can not agree on the value thereof, the same

proceedings shall be had in relation thereto as shall be prescribed in the law existing at the time such proceedings for the relief of occupying claimants of land.

SEC. 212. No compensation shall be allowed for improvements made before the expiration of two years from the date of the sale for taxes.

No compensation for improvements before 2 years.

SEC. 213. Any person claiming an undivided part of any land sold for taxes, may redeem the same on paying such proportion of the purchase money, interest, penalty, and subsequent taxes as he shall claim of the land sold.

Right of redemption in undivided land.

SEC. 214. Any person claiming an undivided share in any land out of which an undivided part shall have been sold for taxes, may redeem his undivided share by paying such portion of the purchase money, interest, penalty, and subsequent taxes as he claims of the land sold.

Where there is an undivided share.

SEC. 215. Any person claiming a specific part of any lands sold for taxes, may redeem his specific part by paying such proportion of the purchase money, interest, penalty, and subsequent taxes as his quantity of ground shall bear to the whole quantity sold.

Where there is a claim for a specific part.

SEC. 216. Any person claiming a specific part of any lands out of which an undivided part shall have been sold for taxes charged on the whole tract or lot, may redeem his specific part by paying such proportion of purchase money, interest, penalty, and subsequent taxes as his quantity of acres shall bear to whole quantity taxed.

Where there is a specific part of an undivided part.

SEC. 217. Any person claiming a specific part of any lands out of which a specific part belonging to some other owner shall have been sold for taxes charged on the whole tract or lot, may exonerate himself from all liability to contribute to the owner of the part sold by paying into the county treasury, at any time before the expiration of the time allowed for redemption, such proportion of purchase money, penalty and interest as his quantity of acres will bear to the whole quantity taxed; and such payment shall operate as a redemption of a proportionate part, according to the amount paid, of the land sold.

Where there is a claim to a specific part out of which a specific part has been sold.

SEC. 218. In every case of a partial redemption, pursuant to either of the last five sections, the quantity sold shall be reduced in proportion to the amount paid on such partial redemption, and the County Auditor shall convey accordingly.

Partial redemption.

SEC. 219. Whenever the lands of any one person shall be sold for taxes assessed conjointly on the lands of such person and the lands of another person, and such other person shall not pay his due proportion, the person whose lands shall be sold may redeem the same, on paying the amount due to the purchaser; and he shall be entitled to recover from such other person, whose lands were assessed

Where the lands of one person is sold for taxes assessed conjointly, etc.

with his, a just proportion of the redemption money so paid, with lawful interest from the time of such redemption; but no suit shall be brought for the recovery of such proportion until after the expiration of the time allowed for redemption.

Where such owner does not redeem the land sold.

SEC. 220. If such owner shall not redeem the land sold and the same shall be conveyed by the County Auditor, such owner may recover from such other person the same proportion of the value of the land sold and conveyed, that he ought to have paid of the tax, interest and charges for which the land shall have been sold.

Such judgment to have priority.

SEC. 221. Every judgment obtained under either of the two last sections, shall have priority as against the lands of the defendant therein, on which the tax was assessed, and for which such proportionate part ought to have been paid, to all mortgages executed, and all judgments recovered since the time when such taxes were assessed.

When Auditor shall make deed to purchaser.

SEC. 222. If no person shall redeem such land within two years, at the expiration thereof, and on production of the certificate of purchase, and in case the certificate covers only a part of a tract or lot of land, then accompanied with a survey of such part, made by the County Surveyor, the Auditor of the county in which the sale of such lands took place shall execute to the purchaser, his heirs or assigns, in the name of the State, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all the claims which the State may have thereon for taxes, or other liens or incumbrances.

One deed for 2 or more parcels of land.

SEC. 223. When two or more parcels, tracts, or lots of land are sold for the non-payment of taxes to the same purchaser or purchasers, or the same person or persons shall in any wise become the owners of the certificates thereof, all of such parcels shall be included in one deed.

Form of deed.

SEC. 224. Such conveyance shall be executed by the County Auditor, under his hand and seal, and the execution thereof shall be witnessed by the County Treasurer, and such deed shall be conclusive evidence of the truth of all the facts therein recited, with the exception of the fact that payment of the taxes for which the lands named therein were sold, had not been made by or on behalf of the proper owner of such lands in due time, and to the proper officer; of which last named fact such deed shall be held as *prima facie* evidence, and no more; and such deed shall be in the following form as nearly as the nature of the case will admit, namely:

Whereas, A. B. did, on the — day of —, 18—, produce to the undersigned, C. D., Auditor of the county of —, in the State of Indiana, a certificate of purchase in writing, bearing date the — day of —, 18—, signed

by E. F., who at the last mentioned date was Auditor of said county, from which it appears that the said A. B. did on the — day of —, 18—, purchase at public auction, at the door of the court house in said county, the tract, parcel, or lot of land, lastly in this indenture described, and which lot was sold to — for the sum of — dollars and — cents, being the amount due on the following tracts, or lots of land returned delinquent in name of G. H., for the non-payment of taxes, costs and charges, for the years —, namely: [*here set out the lands offered for sale*] which said lands have been recorded, among other tracts, in the office of said Auditor as delinquent for the non-payment of taxes, costs and charges due for the year last aforesaid, and a true copy of said record transmitted to the office of the Auditor of State, in manner and form prescribed by law, and legal publication made of the sale of said lands, on the said — day of —, 18—; and it appearing that the said A. B. is the legal owner of said certificate of purchase, and the time fixed by law for redeeming the land therein described having now expired, and none of the saving clauses of the — section of — applying to this tract or parcel of land, and neither the said G. H., nor any person in his behalf, having paid or tendered the amount due the said A. B., on account of the aforesaid purchase, and for taxes by him since paid, and the said A. B. having demanded a deed for the tract of land mentioned in said certificate, and which was the least quantity of the tracts above described that would sell for the amount due thereon for taxes, costs and charges as above specified, and it appearing from the records of said County Auditor's office, that the aforesaid lands were legally liable for taxation, and had been duly assessed and properly charged on the duplicate with the taxes for the years —;

Therefore, this indenture, made this — day of —, 18—, between the State of Indiana, by C. D., Auditor of said county, of the first part, and the said A. B. of the second part, witnesseth: That the said party of the first part, for and in consideration of the premises, has granted, bargained and sold unto the said party of the second part his heirs and assigns, forever, the tract or parcel of land mentioned in said certificate and described as follows, namely: [*here set out the particular tract or parcel sold,*] to have and to hold the said last mentioned tract or parcel of land, with the appurtenances thereunto belonging, to the said party of the second part, his heirs and assigns, forever; in as full and ample a manner as the said Auditor of said county is empowered by law to sell the same. In testimony whereof, the said C. D., Auditor of said county of —, has hereunto set his hand, and affixed the seal of the Board

of County Commissioners, the day and year last above written.

STATE OF INDIANA, _____ [Auditor's seal.]
COUNTY, ss:

Acknowledg-
ment.

Before me, the undersigned, _____, in and for said county, this day personally came the aboved named C. D., Auditor of said county, and acknowledged that he signed and sealed the foregoing deed for the uses and purposes therein mentioned. In witness whereof, I have hereunto set my hand and seal this _____ day of _____, 18—. [L. S.]

Variation not to
vitiate deed.

SEC. 225: In case circumstances should exist requiring any variation from the foregoing form in the recital part thereof, the necessary change shall be made by the County Auditor executing such deed; and the same shall not be vitiated by any such change, providing the substance be retained.

Not more than
5 distinct tracts
in one deed.

SEC. 226. In making deeds to purchasers of lands sold for taxes, the County Auditor shall not be compelled to include more than five distinct tracts or parcels of land in one deed; and in case two or more deeds be made to the same person, the Auditor shall be entitled to demand and receive from such person seventy-five cents for the first deed, and fifty cents for each additional one.

Deed not to be
made when dis-
covered to be in-
valid, but pur-
chase money to
be refunded, etc.

SEC. 227. Whenever the County Auditor shall discover, prior to the conveyance of any lands sold for taxes, that the sale was, for any cause whatever, invalid, he shall not convey such lands; but the purchase money and interest thereon, shall be refunded out of the county treasury to the purchaser, his representatives or assigns, on the order of the County Auditor; and such land, if originally liable to taxation, and being still delinquent, shall again be placed on the delinquent list, and the amount so refunded, with interest, be collected as in other cases.

When sale or
conveyance in-
valid.

SEC. 228. No sale or conveyance of land for taxes shall be valid, if at the time of being listed such land shall not have been liable to taxation, or if liable, the taxes thereon shall have been paid before sale, and in all such cases, the money paid by the purchaser at such void sale, shall be refunded out of the county treasury, on the order of the County Auditor.

When the State
lien shall vest in
grantee, etc.

SEC. 229. If any conveyance for taxes shall prove to be invalid, and ineffectual to convey title for any other cause than those enumerated in the preceding section, the lien which the State has on such lands shall be transferred to and vested in the grantee, his heirs and assigns, who shall be entitled to recover from the owner of such land the amount of taxes, interest and penalty, legally due thereon at the time of sale, with interest, together with the amount of all subsequent

taxes paid, with interest, and such lands shall be bound for the payment thereof.

SEC. 230. The sale of lands for taxes shall not be invalid on account of such lands having been listed or charged on the duplicate in any other name than that of the rightful owner.

When sale not invalid.

SEC. 231. The County Auditors are hereby authorized to make deeds for lands in their respective counties, sold for taxes under any former law, where the same remains yet to be done; and the deeds so made shall be good and valid, as if made by the person authorized under any former law to make them.

Auditors to make deeds for previous sales, etc.

SEC. 232. When conveyances are delivered for lands sold for taxes, the certificates therefor shall be canceled and filed away by the Auditor; and in case of the loss of any certificate, on being fully satisfied thereof by due proof, the Auditor may execute and deliver the proper conveyance, and file such proof in his office.

When certificates to be cancelled and filed away, etc.

SEC. 233. A register shall be kept by the County Auditor, in his office, containing a brief description of the lands by him conveyed on sales for taxes, the name of the person charged therewith, the date of sale, the name of the purchaser, the amount for which it sold, the name of the grantee in the deed, and the date of its execution.

Auditor to keep register of lands conveyed.

SEC. 234. When lands sold for taxes, or any portions thereof, shall be redeemed, the County Auditor shall insert a memorandum of such redemption, the quantity or description of the portion redeemed, if not the whole, the date thereof, and by whom made, on his record of sales of land for delinquent taxes, and sign the same officially, and shall likewise give a certificate thereof to the person redeeming.

Memorandum of redemption to be made.

SEC. 235. In case sales of any land for taxes shall not be perfected for want of bidders, the same shall be considered forfeited to the State, to be disposed of as may be provided by law; and until so disposed of or redeemed shall be continued on the duplicate, charged with all arrearages for which it was so forfeited, and interest; and shall be annually assessed and charged with all accruing taxes, penalties and interest, as other lands.

Land not sold forfeited to State, and proceedings.

SEC. 236. Such lands shall annually be offered for sale, and on the same terms as other delinquent lands; and until sold for the amount of all arrearages may be redeemed on payment of the same into the county treasury, by the owner or owners thereof; and such payments shall be proceeded with and certified as is provided in this act.

Such lands to be annually offered for sale.

SEC. 237. The records made by the County Auditors respecting delinquent lands, the manner of advertisement of sales thereof, the sales made of the same, and the conveyances thereof executed; and all copies of such records, duly

The records of sales, advertisement, etc., to be prima facie evidence.

certified to be such by the proper County Auditor, under his seal of office, shall be received as prima facie evidence of the facts contained therein.

When Treasurer may collect tax for his own use.

SEC. 238. If any County Treasurer, on making settlement with the County Auditor, shall stand charged with any tax remaining unpaid, and shall not receive a credit therefor in such settlement, such Treasurer may collect such tax for his own use, at any time within one year after such settlement, either by distress and sale, as hereinbefore provided, or by action of debt in his own name, before any justice of the peace, or court having jurisdiction.

State Auditor to furnish forms, etc.

SEC. 239. The Auditor of State shall, from time to time furnish the several County Assessors, Auditors and Treasurers with all such forms and instructions as he may wish them to pursue in the performance of the duties required by this act.

State Auditor to furnish this law to the counties.

SEC. 240. The Auditor of State shall, from time to time, whenever he shall find it necessary, cause to be printed, at the expense of this State, a sufficient number of copies of this act to furnish one copy to each County Assessor, Treasurer, and Auditor, and Commissioner, within this State, and shall transmit to each County Auditor a sufficient number for his county. Every County Auditor receiving such copies shall immediately distribute the same to the persons entitled thereto.

Sales of lands in arrears for opening, etc., roads.

SEC. 241. All sales of land charged with taxes in arrear, for opening and improving roads within this State, shall be conducted in the manner hereinbefore prescribed; and the owners of the lands sold shall be allowed to redeem within the same time, and on the same conditions.

Certificate or conveyance to be recorded.

SEC. 242. Every certificate or conveyance executed by the Auditor of any county, in pursuance of the provisions of this chapter, may be recorded in the same manner, and with the like effect, as a deed regularly acknowledged and proved before any officer authorized by law to take the proof and acknowledgment of deeds.

All losses to the State by default charged to county.

SEC. 243. All losses to the State which may be sustained by the default of the Assessor, Treasurer, or Auditor of any county, in the discharge of the duties imposed in this chapter shall be chargeable on such county, and the Board of County Commissioners shall add such losses to the next year's taxes of such county, and cause the same to be paid into the State Treasury.

When occupant or tenant can recover for taxes paid.

SEC. 244. When the taxes on any real estate shall have been collected of any occupant or tenant, and any other person by agreement or otherwise, ought to pay such tax, or any part thereof, such occupant or tenant shall be entitled to recover by action, the amount which such person ought

to have paid, or to retain the same from any rent due or accruing to him from such person, for the land so taxed.

SEC. 245. If the real or personal property of any person shall be sold for taxes, and shall produce more than the sum chargeable thereon, the residue shall be paid to the person entitled by law to the same; and if any doubt or dispute shall arise as to the person entitled thereto, the same shall be paid into the County Treasury.

Where lands sell for more than the taxes.

SEC. 246. The expense [of] advertising delinquent lands in public newspapers, shall be paid out of the County Treasury, and the amount charged to the respective tracts advertised accordingly.

Expense of delinquent advertisement.

SEC. 247. Any forfeited or unsold tax land may be purchased at private sale, upon application therefor to the proper County Auditor, and upon paying to the County Treasurer, on the certificate of the County Auditor, the amount for which the same was or should have been first offered, with interest upon said amount at ten per cent. per annum, to be computed from the date at which said land was or should have been so offered to the time of making such application and payment.

Forfeited or unsold tax land may be purchased at private sale.

SEC. 248. Upon application and payment being made as above provided the Auditor shall execute to such purchaser a certificate conveying the same interest in and to said lands as would be acquired by virtue of an original public sale, as herein provided.

Certificate in such case.

SEC. 249. All the provisions of laws relative to the execution of deeds for lands sold at public sale shall be applicable to lands sold at private sale pursuant to the provisions of this act: *Provided*, That no deed shall be made until after the expiration of two years from the time when such land was or should have been offered at public sale.

Same provisions as when sold at public sale.

Proviso.

SEC. 250. No action for the recovery of real property sold for the non-payment of taxes shall lie, unless, the same be brought within five years after the date of the sale thereof for taxes as aforesaid (anything in the statutes of limitation to the contrary notwithstanding): *Provided*, That where the owner of such real property, sold as aforesaid shall, at the time of such sale, be a minor, insane, or under other legal disabilities, five years after such disability is removed, shall be allowed such person or persons, their heirs or legal representatives, to bring their suit or action for the recovery of the real property so sold.

No action for recovery of land after 5 years.

Proviso.

SEC. 251. Any person who has a lien upon any lands returned for the non-payment of taxes may pay the taxes, interest and charges thereon, and the receipt of the County Treasurer therefor, duly countersigned, shall constitute an additional lien on such land to the amount therein specified,

Any person having lien on land may pay the taxes, etc. which shall be additional lien.

and the amount so specified shall be collectable, with interest thereon, in the same manner as the original lien.

When purchaser dies before deed is made.

SEC. 252. In all cases of sale of land for taxes, if the purchaser or his assigns shall die before a deed shall be executed on such sale, the deed may be executed by the Auditor to and in the name of the deceased person, if such deceased person being still alive would be entitled to a deed; which deed shall vest the title in the heirs or devisees of such deceased person, in the same manner and liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death, (or the executor or administrator may assign the certificate of purchase, and the deed may issue to the assignee thereof,) and in like cases which have heretofore accrued, the same rule shall apply, and all deeds heretofore issued in the name of any deceased person who, if living at the time of the execution thereof, would have been entitled thereto, shall have like effect as above provided.

Recovery for valuable improvements.

SEC. 253. If any person, dispossessed of lands purchased in pursuance of the provisions of this act, shall have made valuable improvements thereon, he shall be entitled to receive what such improvements are reasonably worth, to be assessed on the trial of said cause, and the same so assessed shall be a lien on said land till paid.

Tax not to be invalid for want of form.

SEC. 254. No general or special tax authorized by the laws of this State, and which shall be assessed upon any property in any county, township, city or town within this State, shall be held to be illegal or invalid for want of any matter of form in any proceeding not effecting the merits of the case, and which shall not prejudice the rights of the party assessed; nor shall any sale of property for the non-payment of the taxes thereon be invalid, unless it shall be made to appear that the legal taxes, costs and charges, were tendered to the proper officers within the time limited by law for the payment of such taxes; or, in case of the sale of real estate, unless it shall be made to appear that all legal taxes assessed upon such real estate, together with all legal costs and charges thereon, were tendered to the officer authorized to receive such redemption money, within the time limited by law for the redemption thereof, and all taxes assessed upon any property in this State shall be presumed to be legally assessed until the contrary is affirmatively shown; and no sale of real estate for the non-payment of the taxes thereon shall be rendered invalid by showing that any certificate, return, affidavit or other paper required to be made and filed in any office, is not found in any office where the same ought to be filed or found; but, until the contrary is proven, the presumption shall be, in all

Nor sale of property invalid unless tax is paid, etc.

cases, that such certificate, return, affidavit or other paper, was made and filed in the proper office.

SEC. 255. In all suits and controversies involving the title to land claimed and held by virtue of a deed executed by the County Auditor, for non-payment of the taxes thereon, the person claiming adverse title to such deed shall be required to prove, in order to defeat the title conveyed by such deed, either that the land described therein was not subject to taxation at the date of the assessment of the tax for which it was sold; or that the taxes, for the non-payment of which such land was sold, were paid to the proper officer within the time limited by law therefor; or that the same has not been assessed for the taxes for the non-payment of which it was sold; or that the same has been redeemed pursuant to law; or that a certificate, in proper form, had been given by the proper officer, within the time limited by law for paying taxes, or redeeming from sales made for the non-payment thereof, stating that no taxes were due, or that the lands were not subject to redemption; but no person shall be permitted to question the title acquired by such Auditor's deed, without proving that he, or the person through whom he claims title, had title to the land at the time of the sale thereof for non-payment of taxes, or subsequently, which title was acquired from the United States, or from this State.

Requisites in suits involving title to land sold for taxes and deeded by Auditor.

SEC. 256. If any conveyance, made by the County Auditor, pursuant to a sale made for non-payment of taxes, shall prove to be invalid and ineffectual to convey title, for any other cause than such as are enumerated in the preceding section, the lien which the State had on such land for its rightful proportion of taxes for State, county, township, and all lawful purposes shall remain in full force, and shall be transferred by such deed to the grantee and vested in him, his heirs and assigns, who shall be entitled to recover from the owner of such lands the amount of such legal taxes, together with all the lawful charges, with interest at twenty-five per cent. from date of such sale, and also the amount of all subsequent taxes paid by the person holding such title from the County Auditor, with like interest; and such claim shall be a lien upon such lands, and the same shall be bound for the payment thereof; and in case judgment shall be rendered against the person holding title from the Auditor, as aforesaid, for the recovery of such land, in action of ejectment or other action, either at law or in equity, the court shall ascertain the amount due to the party holding such tax deed, for principal and interest, and for all improvements made by him on such lands, and shall decree the payment thereof within such reasonable time as may be determined by such court; and in default of such payment, shall decree that

Where Auditor's conveyance shall prove to be invalid.

such lands be sold therefor, or sufficient thereof to pay the amount of such improvements, principal and interest, due to the party having such Auditor's deed: *Provided*, That there shall be no right of redemption of such property after the date of sale.

Proviso.

Suit to quiet title.

SEC. 257. Any person holding any deed of lands, executed by the County Auditor for the non-payment of taxes, may commence a suit in the Circuit Court of the county where such lands lie, to quiet his title thereto, without taking possession of such lands, and all parties who have, or claim to have, or appear of record in the Recorder's office of the county where such land is situated to have any interest in such land, may be made defendants in such suit; and no outstanding unrecorded deed, mortgage or claim, shall be of any effect as against the title or right of the complainant, as fixed and declared by the decree made in such cause, and if, upon hearing of such cause, it shall appear that the complainant's title was invalid for any cause not enumerated in section two hundred and fifty-two of this act, such suit shall not be dismissed by the court, but the court shall ascertain the amount due to the complainant for principal and interest to be computed at twenty-five per cent. per annum, and shall decree the payment thereof within a reasonable time by the owner of such land, and in default thereof shall direct that such land be sold therefor, and that the equity and right of redemption of all defendants in such suit, and all persons claiming under them, shall be forever foreclosed: *Provided*, That the proceedings in such cases shall be conducted in the same manner, as near as may be, in conformity with the practice in case of foreclosure of mortgages.

Proviso.

Auditor of State to send County Auditors forms and instructions

SEC. 258. It shall be the duty of the Auditor of State to make out and forward to each County Auditor, from time to time, for the use of such Auditor and other officers, suitable forms and instructions; and all such instructions shall be strictly complied with by the officers in the performance of their respective duties.. He shall give his opinion and advice on all questions of doubt as to the true interest [intent] and meaning of the provisions of this act.

State Auditor to have this law printed and sent to County Auditor.

SEC. 259. The Auditor of State shall, as soon as practicable after the passage of this act, cause the same to be correctly printed in pamphlet form, and transmit to each County Auditor a sufficient number of copies thereof for the use of the several county and township officers; and said Auditor shall deliver the same to the proper officers.

Where real or personal property is omitted.

SEC. 260. If any real or personal property shall be omitted in the assessment of any year, or number of years, or the tax thereon, for which such property was liable, from any cause has not been paid, or if any such property, by reason of defective description or assessment thereof, shall

fail to pay taxes for any year or years, in either case the same, when discovered, shall be listed and assessed by the Assessor and placed on the assessment and tax books. The arrearages of tax which might have been assessed, with ten per cent. interest thereon from the time the same ought to have been paid, shall be charged against such property by the County Auditor. It shall be the duty of County Auditors to add uncollected personal property tax to the tax of any subsequent year, whenever they may find the person owing such uncollected tax assessed for any subsequent year.

Uncollected personal property tax to be added.

SEC. 261. If the tax on any property liable to taxation is prevented from being collected for any year or years by reason of any erroneous proceedings, or other cause, the amount of such tax which such property should have paid shall be added to the tax on such property for the next succeeding year.

Where taxes not collected for any cause.

SEC. 262. No such charge for tax and interest for previous years, as provided for in the preceding section shall be made against any property prior to the date of ownership of the person owning such property at the time the liability for such omitted tax was first ascertained: *Provided*, That the owner of property, if known, assessed under this and the preceding section, shall be notified by the Assessor, or Auditor, as the case may require.

No tax for previous years on property prior to ownership.

Proviso.

SEC. 263. When any such special assessment is not returned to the County Treasurer, on or before the first day of March next after it is due, the same may be returned on or before the first day of March in the succeeding year; and, if not then returned, it shall be considered barred, unless return is prevented by an injunction or order of court; and the time such return is thus prevented shall be excluded from the computation of such time.

When special assessment not returned in time, etc.

SEC. 264. A failure to complete an assessment in the time required by this act shall not vitiate such assessment, but the same shall be as legal and valid as if completed in the time required by law.

Failure to complete assessment in time.

SEC. 265. No assessment of real or personal property, or charge for taxes thereon, shall be considered illegal on account of any informality in making the assessment, or in the tax lists, or on account of the assessments not being made or completed within the time required by law.

Informality not to vitiate assessment.

SEC. 266. Any failure to deliver the Collector's books within the time required by this act, shall in no way effect the validity of the assessment and levy of taxes, but in cases of such failure, the assessment and levy of taxes shall be held to be as valid and binding as if said books had been delivered at or within the time required by law.

Failure to deliver Collector's books in time not to vitiate assessment.

SEC. 267. Any oath authorized to be administered under this act, may be administered by any Assessor or Deputy

Assessor or deputy to administer oath.

Assessor, or by any other officer having authority to administer oaths.

Penalty on
County Treas-
urer for failure
to pay tax to
State Treasurer
in time.

SEC. 268. Any County Treasurer failing to pay into the State Treasury the amount due to the State, on his account for State and other taxes, at the time or times required by this act, shall pay interest at the rate of fifteen per cent. per annum from the time the same became due under this act until the same is paid; and it shall be the duty of the Auditor of State to charge such interest to the account of every Treasurer failing to pay at the time or times required in this act. In no case shall the Auditor of State be permitted to remit such interest unless satisfactory evidence from the County Board is presented to him, showing, by official action taken by such Board, lawful cause why the Treasurer could not pay over, in part or in whole, the amount due on such Treasurer's account with the State.

Proceedings
where property
or municipality
are unjustly re-
leased from pay-
ment of State
taxes.

SEC. 269. Whenever it shall come to the knowledge of the Auditor of State that any county, township, city or town, or any well-defined locality thereof, or any particular class of property therein, has heretofore been or may hereafter be released, from any cause whatever, from its just and lawful proportion of State taxes, said Auditor shall cause suit to be commenced in an action of debt, in the name of the State of Indiana, either against the municipality or against the property unjustly released from taxation, or the owners thereof, for the amount of such tax, in any court of this State, and when judgment may be recovered in any such cause the Auditor shall levy a rate of tax on the equalized valuation of all property or particular class of property in such county, township, city, town or locality, as the case may be, as will pay the State the amount of such judgment and costs; and it shall be the duty of the County Auditor of the proper county to extend such rates of tax with the State tax of the year directed in the Auditor's certificate. Any County Auditor neglecting or refusing to extend such rate, as certified to him by the Auditor of State, shall be removed from his office, and in addition thereto shall be subject to a fine of five thousand dollars, and damages caused by such neglect or refusal, to be sued by the Auditor of State, in an action of debt, in the name of the State of Indiana, in any court of this State: *Provided*, That in cases where the Auditor and proper local authorities of the proper municipality can arrange to make such levy to reimburse the State in such cases, without suit, the Auditor of State is hereby authorized to pursue such course.

Provide.

When Assessors
may appoint
deputies.

SEC. 270. If any Assessor, from any cause whatever, shall be unable to perform the duties required of him within the time designated by law, he may, by and with the advice and consent of the County Auditor, appoint one or

more suitable persons to act as deputies to assist him in making the assessment, and may designate the portion of the county, township, city or town in which such deputy or deputies are authorized to list and assess property. Such deputies shall make their returns to the proper Assessor.

SEC. 271. The County Auditor shall cause the proper assessment books and all blanks necessary to be used by the Assessor, in the assessment of real property, to be in readiness to deliver to the Assessor on or before the first day of April, 1873, and on the first day of April every two years thereafter; and the said Auditor shall also have in readiness for delivery the proper assessment books and blanks necessary to be used by the Assessor on account of personal property on or before the first day of April in each year.

County Auditor to provide assessment books and blanks.

SEC. 272. In all cases when any tract or lot of land is divided in parcels, so that it can not be described without describing it by metes and bounds, it shall be the duty of the owner to cause such land to be surveyed and platted into lots. Such plat shall be certified and recorded. The description of real estate, in accordance with the number and description set forth in the plat aforesaid, shall be deemed a good and valid description of the lot or parcel of land so described.

When tract must be platted.

SEC. 273. If the owner of any such tract or lot shall refuse or neglect to cause such survey to be made within thirty days after being notified by the County Auditor, said Auditor shall cause such survey to be made and recorded; and the expense thereof shall be added to the tax levied on such real property, and when collected, shall be paid on demand to the persons to whom it is due.

When owner fails to make such plat, etc.

SEC. 274. The County Auditor shall make up in proper books, to be provided for that purpose for the use of the Assessor, lists of lands and lots to be assessed for taxes; and in so doing, when a whole section, half section, quarter section, or half quarter section, appears to belong to one owner, it shall be described in one description, and shall be listed as one tract; and when all the lots in one block appear to belong to one owner, they shall be described in one description, and listed as one block; when several lots in the same block shall belong to the same owner, they shall, as far as practicable, be included in one description, and in making up the tax duplicates it shall be the duty of the County Auditors, as far as practicable, to preserve and perpetuate such consolidated description.

Auditor to make up lists of lands and lots, etc.

SEC. 275. Annually in the month of November, before the delinquencies of a former year or years are carried upon the current year's duplicate, it shall be the duty of the County Auditor and Treasurer to review and carefully

The list of delinquencies to be recorded, etc.

examine the list of delinquencies; all such delinquencies as by reason of removal from the State, leaving no property, or dying, leaving no property, and all delinquencies which, in the judgment of said Auditor and Treasurer, from any other cause there is no reasonable probability of being collected, shall be omitted from the current year's duplicate.

Appraisers to
serve as Asses-
sors.

SEC. 276. The persons elected in the different counties of the State at the last October election as appraisers of real estate, are hereby constituted County Assessors, within the meaning and purpose of this act, to hold their offices as such for two years from the said election as such Appraisers, and until their successors are elected and qualified.

County Board of
Equalization—
meeting thereof
and duties.

SEC. 277. The Board of County Commissioners, Auditor and Assessor, shall meet at the seat of justice, of each county, on the first Monday of June annually, and shall constitute a County Board of Equalization, which shall have power to hear and determine the complaints of any owner of personal property, moneys, rights, credits, effects, except capital stock, franchises and the rolling stock of railroads. Such Board shall ascertain whether the assessments in one township, district or division bear just relation to all the townships or divisions of the county, and may increase or diminish the aggregate valuation of such personal property in any township or division by adding or deducting such sum upon the hundred as may be necessary to produce a just relation between the valuation of such personal property in the county, but shall in no instance reduce the aggregate valuation of all the townships below the aggregate valuation thereof as made by the Assessor. Neither shall it increase the aggregate valuation of all the townships or districts, except in such an amount as may be actually necessary and incidental to a proper and just equalization. Such Board may consider and determine such a rate per cent. of addition or reduction as may be necessary to a just equalization of the assessed value of said property, within the respective townships or other divisions and of the same between the several townships or other proper divisions of the county.

The same board
shall act also on
real estate.

SEC. 278. In each year in which the real property in the State shall be assessed for taxation, the County Board of Equalization as constituted for the equalization of personal property, shall also constitute a Board of Equalization for the equalization of real property, and at its meeting on the first Monday in June, in addition to its duties in relation to equalizing personal property, the said County Board of Equalization shall also diligently and carefully examine the returns made by the Assessor or Assessors of real property in the county; and it shall be the duty of such Board to equalize such assessments between the several townships in

the county, so that the valuation of the real property shall conform to an equitable and uniform standard, reference being had to the productiveness of the lands, their proximity to cities or towns, the nearness of access to markets, and the average range of the prices of lands and their products.

SEC. 279. Such Board shall not be confined to an equalization of values between the several townships; but whenever they shall become satisfied, either from the application of owners of land, who may be aggrieved by the assessment, or by other means, that the valuation of lands within any township has been unequal and inequitable, they shall have power to equalize such valuation, in conformity to the provisions of the preceding section of this act.

Not confined to equalization of values between the several townships.

SEC. 280. Such Board shall have no power to reduce the aggregate valuation of all the townships, or other proper divisions, below the aggregate valuation thereof as made by the Assessor; neither shall it increase the aggregate valuation of all the townships or divisions, except in such amount as may be actually necessary and incidental to a proper and just equalization, but it may consider lands, town or city lots separately and determine a separate per cent. of addition or reduction for each of said classes of property as may be necessary to a just equalization of the assessed value of all said classes of property within the respective townships and the same between the several townships or other divisions of the county. If the County Board of any county shall find the aggregate assessment of the county is too high or too low, or is generally so unequal as to render it impracticable to equalize such assessment fairly, they may set aside the assessment of the whole county or of any township or townships therein, and order a new assessment, with instructions to the Assessors to increase or diminish the aggregate assessment of such county or township, as the case may be, by an amount as said Board may deem right and just in the premises, and consistent with this act.

No power to reduce aggregate valuation, nor increase the same.

May set aside assessment and order new one.

SEC. 281. Such Board may make any alterations in the descriptions of real property upon the assessment rolls as it shall deem necessary.

Alterations in descriptions.

SEC. 282. No complaint that another is assessed too low shall be acted upon until the person so assessed, or his agent, shall be notified of such complaint, if a resident of the county.

Notice of complaint of low assessment.

SEC. 283. On or before the fifteenth day of June in each year, in which the real property in the State shall be assessed for taxation, it shall be the duty of County Auditors, upon the receipt of assessment books, to make out and transmit to the Auditor of State, an abstract of the assessment of property, showing the number, value and average value of

County Auditor to send abstract to State Auditor, etc.

Each class or kind of enumerated property as shown by the assessment, the value of each item of unenumerated property, and total value of personal property; the value of all land in each civil township without improvements, the value of all improvements thereon, and the value of such land with improvements, and in like order all city or town in-lots and out-lots, showing the value of such lots without improvements, the value of improvements and the value of such lots with improvements, the length of the main track and the length of side track, the number or descriptions, the value and average values of each separate item of railroad property. Such abstract shall be arranged in such manner as to show by civil townships, the number of acres, value and average value of improved lands, and in like manner the number of acres, value and average value of unimproved lands, total number of acres, total value and average value per acre of all lands, the number and value and average value of improved town or city lots, the number, value and average value of unimproved town or city lots, the total number of lots, total value and average value of all lots, and the total value of all property, real and personal. (The number of acres in cultivation of wheat, corn, oats, meadow, and other field products; in inclosed pastures, orchards and woodlawn, whether inclosed or not in that year.) Said abstract shall be made out on blanks which it shall be the duty of the Auditor of State to furnish the County Auditor for that purpose. The value to be given in said abstract shall be the assessed valuations, except in the case of railroad property, denominated railroad track and rolling stock, the value of which shall be given as returned by the railroad company to the County Auditor. The County Auditor shall, at the same time and accompanying said abstract, furnish a detailed statement of the railroad property, denominated railroad track and rolling stock, reported by each road located in or through their counties. If there are any roads so located, that have not made their reports as required by this act, the County Auditor shall report the facts, giving the name of such railroad.

State Board of
Equalization.

SEC. 284. The State Board of Equalization shall consist of the Governor, Lieutenant Governor, Secretary, Auditor, and Treasurer of State, whose duty it shall be, in the year one thousand eight hundred and seventy-three, and every two years thereafter, to equalize the assessments on the real property of the State, and also to make such original assessments as may be hereinafter provided. Said Board shall meet at the Capitol, in the office of the Auditor of State, on the third Monday in June, and shall organize by selecting one of its members as chairman, and the Deputy Auditor of

When they shall
meet, etc.

State, or one of the clerks in the office of the Auditor of State, shall act as Secretary.

SEC. 285. The several persons constituting the Board, Oath of Board. as herein provided, before entering upon the discharge of their duties as members of said Board, shall each take and subscribe an oath for the faithful and impartial discharge of their duties as members of such Board, which oath, together with the oath of the Secretary, shall be filed and preserved with the proceedings of the Board.

SEC. 286. The Secretary shall take and subscribe an Oath and duty of Secretary. oath for the faithful performance of his duties as said Secretary, and shall keep a record of the proceedings of the Board, which shall be certified by the Chairman and Secretary, and filed in the office of the Auditor of State.

SEC. 287. It shall be the duty of said Board, in each Duty of said Board. year in which the real estate is appraised, to examine the abstracts of all the real property assessed for taxation in the several counties of this State, as returned to the Auditor of State, and shall equalize the assessments as hereinafter provided; but said Board shall not reduce the aggregate assessed valuation in the State; neither shall it increase said aggregate valuation, except in such an amount as may be reasonably necessary to a just equalization, and not exceeding one per cent. on such aggregate assessed valuation; but this rule shall not apply to railroad property.

SEC. 288. Said Board, in equalizing the valuation of Classes of property to be considered. property as listed and assessed in the different counties, shall consider the following classes of property separately, viz.: Railroad and telegraph property; lands, and town and city lots; and upon such consideration, determine such rates of addition to or deduction from the listed or assessed valuation of each of said classes of property in each county, or to or from the aggregate assessed value of each of said classes in the State, as may be deemed by the Board to be equitable and just—such rates being in all cases even and not fractional; and such rates, as finally determined by said Board, shall not be combined.

SEC. 289. Lands shall be equalized by adding to the How lands shall be equalized. aggregate value thereof, in every county in which said Board may believe the valuation to be too low, such rate per centum as will raise the same to its proper proportionate value, and by deducting from the aggregate assessed value thereof, in every county in which said Board may believe the valuation to be too high, such per centum as will reduce the same to its proper value. Town and city lots shall be equalized in the same manner herein provided for equalizing lands, and, at the option of said Board, may be combined and equalized with lands.

Board to assess capital stock of companies organized under laws of this State.

SEC. 290. In addition to equalizing the assessments of real property, as in this act provided, it shall be the duty of said State Board of Equalization to annually assess the capital stock of each company or association, respectively, now or hereafter incorporated under the laws of this State, in the manner hereinbefore in this act provided. The respective assessments so made (other than of the capital stock of railroad and telegraph companies) shall be certified by the Auditor of State, under the direction of said Board, to the County Auditor of the respective counties in which such companies or associations are located; and the said Auditor shall compute and extend the taxes for all purposes on the respective amounts so certified, the same as may be levied on the other property in such towns, cities or other localities in which such companies or associations are located.

County Auditor compute and extend the taxes.

Also assess railroad property.

SEC. 291. Said Board shall also assess the railroad property denominated in this act as "railroad track" and "rolling stock;" and said Board is hereby given the power and authority, by committee or otherwise, to examine persons or papers. The amount so determined and assessed shall be certified by the Auditor of State to the County Auditors of the proper counties. The County Auditor shall, in like manner distribute the value so certified to him by the Auditor of State to the county and to the several townships, cities and towns, in his county, entitled to a proportionate value of such railroad track and rolling stock, and said Auditor shall compute and extend taxes against such value the same as against other property in such townships, cities and towns.

County Auditor distribute the value.

How the capital stock of Railroad or Telegraph Company be distributed.

SEC. 292. The aggregate amount of capital stock of railroad or telegraph companies assessed by said Board shall be distributed proportionately by said Board to the several counties in like manner that the property of railroads denominated "railroad track" is distributed. The amount so determined shall be certified by the Auditor of State to the Auditors of the proper counties. The County Auditor shall, in like manner distribute the value so certified to him by the Auditor of State to the county and to the several townships, cities and towns in his county, entitled to a proportionate value of such capital stock, and said Auditor shall compute and extend taxes against such value the same as against other property in such township, city or town.

Duty of County Auditor.

Result combined in the table.

SEC. 293. When said Board shall have separately considered the several classes of property as hereinbefore required, the results shall be combined into one table, and the same shall be examined, compared and perfected, in such manner as said Board shall deem best to accomplish a just equalization of assessments throughout the State, pre-

serving, however, the principle of separate rates for each class of property.

SEC. 294. In the case of failure on the part of any County Auditor to furnish the proper returns of the assessment of his county to the Auditor of State prior to or during the meeting of the Board of Equalization, in each year, said Board may, by order, authorize the Auditor of State to equalize the assessment of such county when full returns have been received by him.

When Board may authorize State Auditor to equalize assessment.

SEC. 295. When said Board shall have completed its assessments and its equalization of assessments for any year, the Chairman and Secretary shall certify to the Auditor of State the rates finally determined by said Board, to be added to or deducted from the listed or assessed valuation of each class of property in the several counties, and also the amount assessed by said Board; and it shall be the duty of said Auditor, under his seal of office, to report the action of the Board to the several County Auditors immediately after the adjournment of said Board.

Certificate to State Auditor of equalization.

SEC. 296. A report of the proceedings of said Board of Equalization shall be published annually, in pamphlet form, and three thousand copies thereof printed, of which number the Auditor of State shall retain two hundred copies, and the remainder shall be distributed by the Secretary of State to the several counties, in the proportion usual in similar cases. Said distribution shall be made by mail or express, immediately upon the receipt of said report from the public printer, the cost of such distribution to be paid on the certificate of the Secretary of State, out of any funds in the Treasury not otherwise appropriated.

Proceedings of Board to be published and distributed.

SEC. 297. Any three members of said Board shall constitute a quorum for the transaction of business, and the Board may adjourn from time to time until the business before it is disposed of.

A quorum of Board.

SEC. 298. All rates for taxes provided for by law shall be computed and extended by the County Auditor on the Assessor's valuation of property as equalized by the State Board of Equalization.

All rates computed on assessed valuation as equalized.

SEC. 299. The Lieutenant Governor shall receive for his services, as member of the Board of Equalization, five dollars per day for actual attendance, and twenty cents a mile for travel in going and returning from the Capital, to be paid out of any fund not otherwise appropriated, on the warrant of the Auditor.

Pay of Lieutenant Governor.

SEC. 300. All laws, or parts of laws, in conflict with the provisions of this act are hereby repealed.

Repealing clause.

SEC. 301. An emergency is hereby declared to exist for the immediate taking effect of this act, and it shall therefore be in force from and after its passage.

Emergency.

CHAPTER XXXVIII.

AN ACT to provide for the permanent enclosure of the Tippecanoe Battle Ground, and declaring an emergency.

[APPROVED DECEMBER 18, 1872.]

Governor, Secretary, Treasurer and Auditor of State authorized to have a permanent enclosure placed around the Tippecanoe Battle Ground.

\$24,100 appropriated for same

The duties devolved to attach to the respective offices, etc.

All contracts to be in writing.

And assented to by the Governor etc.

Duplicates filed.

Accounts, how made out.

And filed.

Auditor to audit the same, etc.

Auditor to make report to General Assembly, after the work is completed.

Emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor, Secretary, Treasurer and Auditor of State, be and they are hereby authorized and empowered to proceed at once to have a permanent enclosure placed around the Tippecanoe Battle Ground, and that to defray the expenses thereof, a sum not exceeding twenty-four thousand one hundred dollars, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated.

SEC. 2. That the duties by this act devolved upon the Governor, Secretary, Treasurer and Auditor of State shall be held to attach to their respective offices, and shall devolve upon the incumbents of said offices successively.

SEC. 3. That any and all contracts that may become necessary in carrying out the provisions of this act, shall be in writing, and assented to on the part of the State by the Governor and at least two of the other officers named, and duplicates of such contracts shall be filed and kept in the office of the Secretary of State.

SEC. 4. That the accounts for the expenses of the said enclosure, shall be made out in due form, and when assented to by the said officers, or a majority of them, shall be filed in the office of the Auditor of State, who shall audit the same, and draw his warrants therefor upon the Treasurer of State.

SEC. 5. That it shall be the duty of the Auditor of State, at the session of the General Assembly next after the said work shall be completed, to make his report respecting the same, and the expenses incidental thereto.

SEC. 6. That this act be in force from and after its passage on account of an existing emergency for its prompt execution.

CHAPTER XXXIX.

AN ACT granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Indianapolis, and ceding jurisdiction over the same.

[APPROVED DECEMBER 7, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the consent of the State of Indiana is hereby given to the purchase by the United States of one or more pieces of land situated in the city of Indianapolis, not exceeding one acre in quantity, on which to erect a building for a post office and other public purposes, and the said United States shall have, hold, use, occupy and own the said land or lands, when purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

Consent of Indiana to United States to purchase not exceeding one acre in Indianapolis, on which to erect Post office, etc.

SEC. 2. *And be it enacted*, That the jurisdiction of the State of Indiana in and over the said land or lands mentioned in the foregoing section, when purchased by the United States, shall be and the same hereby is ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said land or lands.

Jurisdiction of Indiana ceded.

SEC. 3. *And be it enacted*, That the said consent is given and the said jurisdiction ceded upon the express condition that the State of Indiana shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the State of Indiana, against any person or persons charged with crimes or misdemeanors, committed within said State, may be executed therein, in the same way and manner as if such consent had not been given, or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

State to retain concurrent jurisdiction.

SEC. 4. *And be it enacted*, That the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by purchase or grant, and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this State.

Jurisdiction not to vest until purchase is made, etc.

Exonerated from taxes, assessments, etc.

Malicious, wilful, reckless or voluntary injury to or mutilation of the grounds, buildings, etc., punishable by fine and imprisonment.

Emergency.

SEC. 5. *And be it enacted*, That any malicious, wilful, reckless, or voluntary injury to or mutilation of the grounds, buildings, or appurtenances, shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offence, imprisonment not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

SEC. 6. Whereas an emergency exists, therefore this act shall be in force from and after its passage.

CHAPTER XXX.

AN ACT granting the consent of the State of Indiana, to the purchase by the United States of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same and declaring an emergency.

[APPROVED DECEMBER 20, 1872.]

Giving the consent of the State of Indiana to the purchase by the United States of an acre or less of ground in Evansville for a Post office building.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the consent of the State of Indiana is hereby given to the purchase by the United States of one or more pieces of land situated in the City of Evansville, not exceeding one acre in quantity, on which to erect a building for a post office and other public purposes, and the said United States shall have, hold, use, occupy and own the said land or lands when purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

Ceding the jurisdiction of the State over said land.

SEC. 2. *And be it enacted*, That the jurisdiction of the State of Indiana, in and over the said land or lands mentioned in the foregoing section, when purchased by the United States, shall be and the same hereby is ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said land or lands.

The State retains concurrent jurisdiction over said land.

SEC. 3. *Be it enacted*, That the said consent is given and the said jurisdiction ceded upon the express condition that the State of Indiana shall retain concurrent jurisdiction with the United States in and over the said land or lands so far as that all civil process in all cases and such criminal or other process as may issue under the laws or authority of the State of Indiana against any person or persons charged with crimes or misdemeanors committed within said State, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

SEC. 4. *And be it enacted*, That the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by purchase or grant, and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this State.

Jurisdiction not to vest until the United States acquire the title to said land. No taxes, assessments, etc., to be levied on said land.

SEC. 5. *And be it enacted*, That any malicious, wilful, reckless or voluntary injury to or mutilation of the grounds, buildings or appurtenances, shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added for an aggravated offense, imprisonment not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

Penalty for malicious, wilful, reckless or voluntary mutilation of the grounds, buildings, etc.

SEC. 6. It is hereby declared that an emergency exists for the immediate taking effect of this act and the same is hereby declared to be in force from and after its passage.

Emergency.

CHAPTER XXXI.

AN ACT to amend Section second of an act entitled, "An Act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled, 'An act concerning the organization of voluntary associations and repealing former laws in reference thereto,' approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act." approved February 20, 1867, and declaring an emergency to exist.

[APPROVED DECEMBER 19, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section second of an act entitled, "An Act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled, 'An act concerning the organization of voluntary associations, and repealing former laws in reference thereto,' approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act," approved February 20, 1867, be and the same is hereby amended to read as follows, to wit: "SEC. 2. That any number of persons may voluntarily associate themselves by written articles to be signed by each person who may be a member at the time of organization, specifying the objects of the same, the corporate name they may adopt to designate such objects pursuant to this act, the

Sec. 2, recited.

Sec. 2, as amended. How voluntary Associations may be formed.

names and place of residence of each member or stockholder with an impression and description of the corporate seal, and in what manner persons shall be appointed or elected to manage the business and prudential concerns of any such association that may have been or shall hereafter be formed for either of the following purposes:

Associations for horticultural or agricultural Or for mechanical, literary or scientific purposes.

To establish and maintain schools, etc.

To establish and maintain asylums for orphan children.

Homes for aged females.

Medical institutes.

Asylums for crippled persons.

One asylum for orphans, aged females, and cripples.

To purchase grounds for the burial of the dead.

To organize Mason or Odd Fellow Lodges also, temperance associations, etc.

To organize military or fire companies, and to erect buildings for public meetings, etc.

Loan companies Emergency.

First. To establish and maintain associations for horticultural or agricultural purposes, or to promote and encourage the mechanical arts, or for literary or scientific purposes.

Second. To establish and maintain schools or institutions for the education of males or females upon such terms and conditions and upon such plan or system as shall be agreed upon.

Third. To establish and maintain asylums for the care, support, discipline, and education of orphan children, the words, "orphan children" to mean any person within the age of sixteen years, who has been deprived of parental care, by the death of either father or mother, or both of them, or to establish and maintain homes for the care and support of aged females who can not support themselves from their own means and by their own industry, or to establish and maintain institutions for the medical treatment of males or females, or to establish and maintain asylums for the care and support of any crippled person who can not from his or her own means, or by his or her own industry support himself or herself, and it shall be lawful to provide in one asylum or home for the care, education and support of orphans, together with the support of aged females, and that of crippled persons, as specified in this section or either of them.

Fourth. To purchase and hold suitable grounds for the burial of the dead, with the power of ornamenting and protecting the same, to be controlled, regulated, and managed in such manner as shall be set forth in the articles of association.

Fifth. To organize lodges or other bodies of Masons or Odd Fellows, according to their respective laws: also, divisions or associations of Temperance, or any other benevolent or charitable association or order.

Sixth. To organize military or fire companies: also, companies to erect and maintain suitable buildings for public meetings, or to plant and protect shade trees in public grounds and spaces in towns and cities.

Seventh. To organize safe deposit and loan companies.

SEC. 2. An emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

CHAPTER XXXII.

AN ACT to amend section four of an act entitled "An act concerning the organization and perpetuity of voluntary associations," and repealing an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, approved February 20, 1867, and declaring an emergency.

[APPROVED DECEMBER 20, 1872.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section four of an act entitled "An act concerning the organization and perpetuity of voluntary associations," and repealing an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, approved February 20, 1867, be amended to read as follows, to wit: Every such association shall, from the time such record is filed in the proper Recorder's office, be deemed and held to be a corporation, and shall have and possess all the rights, powers and privileges given to corporations by common law, to sue and be sued, to borrow money and secure the payment of the same by notes and mortgages, bonds or deeds of trust upon their personal and real property, to rent, lease, purchase, hold, sell and convey such real and personal property as may be necessary and proper for the purpose of erecting buildings, and for other proper objects of any such corporation.

Section 4
recited.

Section as
amended.
Voluntary associations, when corporations
The rights, powers and privileges possessed by said associations.

SEC. 2. An emergency existing for the immediate taking effect of this act, the same shall be in force from and after its passage.

Emergency.

JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY OF INDIANA.

JOINT RESOLUTION No. 2—HOUSE.

A JOINT RESOLUTION agreeing to and adopting an amendment proposed to the Constitution by the last General Assembly, by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie Canal.

WHEREAS, The last General Assembly, at the regular session thereof, passed, adopted and agreed to the following Joint Resolution, to wit:

“A Joint Resolution, proposing an amendment to the Constitution by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie Canal.

Be it resolved by the General Assembly of the State of Indiana, That the following amendment be and hereby is proposed to the Constitution of this State, and that the same be and is hereby agreed to and submitted to the electors of the State for their ratification or rejection: *Provided,* The same shall be agreed to by a majority of all the members elected to each House of the General Assembly of this State to be chosen at the next general election; said amendment to consist of the addition of the following section to the tenth article of the Constitution, in the language following:

“No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled “An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville,” passed January 19th, 1846, and an act supplemental to said act, passed January 29th, 1847, which, by the provisions of the said acts, or either of them, shall be payable exclusively

from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned, and no such certificates or stocks shall ever be paid by this State.

“Resolved further, That the foregoing Joint Resolution be, and the same is hereby referred to the General Assembly of this State, to be chosen at the general election to be held on the second Tuesday in October, in the year of our Lord one thousand eight hundred and seventy-two,” now therefore,

Be it resolved by the General Assembly of the State of Indiana, That the said amendment proposed to the constitution of Indiana, contained in said Joint Resolution, passed by the last General Assembly, as aforesaid, and herein before recited, be, and the same hereby is, agreed to and adopted by this General Assembly, and that the said amendment shall be submitted to the electors of the State for ratification at an election to be called for that purpose in pursuance of such an act of the General Assembly as may hereafter be passed providing for such submission; and if no time is designated by this General Assembly, then shall be submitted to the people at the next general election to be held on the second Tuesday in October, eighteen hundred and seventy-four.

JOINT RESOLUTION No. 2—SENATE.

A JOINT RESOLUTION in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress.

WHEREAS, There is a bill now pending before the Congress of the United States, in relation to the two per cent. claims of the States aforesaid, the substantial part of which reads as follows: “That the true intent and meaning of the second section of the act approved March 3, 1857, entitled ‘An act to settle certain accounts between the United States and the State of Mississippi and other States,’ is, that all the other States, to wit, Ohio, Indiana and Illinois, which have not received the full amount of their five per cent. of the net proceeds of the sale of the public lands lying within their respective limits, as mentioned in their several enabling acts, in money, shall have their accounts stated, both on the public lands and reservations, and such cash balance as has not been paid to said States, allowed and paid;” and,

WHEREAS, It is the judgment of this General Assembly that the provisions of the said bill are just, and ought to become a law; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to vote for said bill, and use their influence to procure its speedy passage.

Be it further resolved, That the Governor be and is hereby requested to transmit a copy of this Joint Resolution to each of our Senators and Representatives in the Congress of the United States.

JOINT RESOLUTION NO. 3.

A JOINT RESOLUTION instructing our Senators in Congress to support an act pending in the Senate of the United States, to enable honorably discharged Soldiers and Sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States.

WHEREAS, The House of Representatives of the United States, have passed an act, entitled, "An act to enable honorably discharged Soldiers and Sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States.

AND WHEREAS, Said act is now pending in the Senate of the United States; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed to vote for, and to make all proper exertion, to procure the passage of said Act through the Senate of the United States.

Resolved, That his Excellency, the Governor, be requested to transmit a copy of this joint resolution to each of our Senators in Congress.

JOINT RESOLUTION No. 5.

A JOINT RESOLUTION instructing our Senators and requesting our Representatives to vote against any measure in Congress to divide the State into two or more Judicial Districts.

WHEREAS, A bill is now pending in the Congress of the United States, for the division of the District of Indiana into two Judicial Districts, creating a new district of that portion of the State lying south of the counties of Wayne, Henry, Hancock, Marion, Hendricks, Putnam, Parke and Vermillion; and

WHEREAS, The public interest do not require a new District in this State, as the amount of business is not greater than can readily be disposed of by the present judicial force, and the multiplication of Districts greatly increases the expenses of the general government and the burdens of the public; and

WHEREAS, The proposed new District, so far as the great body of the people within its limits is concerned, will occasion great inconvenience by compelling parties, witnesses, jurors and counsel to travel a much greater distance than now, by a circuitous route, and at greatly increased expense; therefore,

Be it resolved by the Senate and House of Representatives of the General Assembly of the State of Indiana, That our Senators be instructed and our Representatives in Congress be requested to oppose the passage of any such bill.

2d. That the Governor be requested to cause copies of this joint resolution to be certified to the said Senators and Representatives.

JOINT RESOLUTION NO. 7.

A JOINT RESOLUTION in relation to an appropriation by Congress for the completion of the Harbor at Michigan City.

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested to use all honorable means to secure an appropriation of money by Congress to complete the Harbor at Michigan City.

Resolved, That his Excellency the Governor, be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

CERTIFICATE OF SECRETARY OF STATE.

STATE OF INDIANA,
SECRETARY OF STATE'S OFFICE, } ss.

I, John H. Farquhar, Secretary of State of the State of Indiana, certify that I have compared the foregoing Acts and Joint Resolutions, as printed herein, with the enrolled Acts and Joint Resolutions from which the same were taken, and now on file in this office, and find the same correctly printed.

Words inserted in brackets were added as words of accidental omission.

In witness whereof, I have hereunto set my hand and affixed the [l. s.] seal of said State, at the City of Indianapolis, this 16th day of January, A. D. 1873.

JOHN H. FARQUHAR,
Secretary of State.

By O. M. EDDY,
Deputy.

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L A W S

OF THE

STATE OF INDIANA,

PASSED AT

THE FORTY-EIGHTH REGULAR SESSION

OF THE

GENERAL ASSEMBLY,

BEGUN ON THE NINTH DAY OF JANUARY, A. D. 1873.

BY AUTHORITY.

INDIANAPOLIS:

INDIANAPOLIS JOURNAL CO., PRINTERS.

1873.

L A W S.

AN ACT making general appropriations for the years one thousand eight hundred and seventy-three, and one thousand eight hundred and seventy-four.

[APPROVED MARCH 10, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of meeting the expenses of the State Government for the year one thousand eight hundred and seventy-three, the following sums are hereby appropriated:

SEC. 2. For the payment of the salaries of the executive officers, and their deputies and clerks, the following sums:

- | | |
|--|---|
| For the salary of the Governor, eight thousand dollars. | Governor's salary. |
| For the salary of the Treasurer of State, three thousand dollars. | Treasurer of State. Salary. |
| For the salary of the Auditor of State, two thousand five hundred dollars. | Auditor of State Salary. |
| For the salary of the Secretary of State, two thousand dollars. | Sec'y of State. Salary. |
| For the salary of the Superintendent of Public Instruction, fifteen hundred dollars. | Sup't of Pub. Instruction. Salary. |
| For the salary of the State Librarian, twelve hundred dollars. | State Librarian. Salary. |
| For the salary of the Governor's Private Secretary, one thousand dollars. | Governor's Private Secretary. Salary. |
| For the salary of the Auditor of State's Clerks, three thousand dollars. | Auditor of State's Clerks. Salary. |
| For the salary of the Treasurer of State's Clerks, sixteen hundred dollars. | Treasurer of State's Clerks. Salary. |
| For the salary of the Secretary of State's Clerks, fifteen hundred dollars. | Secretary of State's Clerks. Salary. |
| For the salary of the Clerk of the Superintendent of Public Instruction, eight hundred dollars. | Clerk of Sup't of Pub. Institution. Salary. |
| For the salary of the Attorney General, one thousand dollars. | Attorney General. Salary. |
| For the salaries of the Judges of the Supreme Court, at four thousand dollars each, twenty thousand dollars. | Judges of Sup. Court. Salaries. |

State House attendance and repairs.

For State House attendance and repairs, two thousand dollars.

State Library incidental expenses of books, etc.

For incidental expenses of the State Library, to include binding and the purchase of new books, one thousand dollars.

Aud. of State's office, incidental expenses.

For incidental expenses of the Auditor of State's office, fifteen hundred dollars.

Sec'y of State's offices, for incidental expenses.

For incidental expenses of the Secretary of State's office, one thousand dollars.

Treas. of State's office, for incidental expenses.

For incidental expenses of the Treasurer of State's office, one thousand dollars.

Supt. Pub. Inst. for incidental expenses.

For incidental expenses of the office of the Superintendent of Public Instruction, one thousand dollars.

Distribution of laws.

For the distribution of laws and public documents, fifteen hundred dollars.

Supreme Court, for contingent expenses.

For the contingent expenses of the Supreme Court, twenty-five hundred dollars.

Executive Department, Governor's office, for clerk hire and incidental expenses.

SEC. 3. That the sum of four thousand dollars, or so much thereof as may be necessary for the Executive Department, for clerk hire and necessary incidentals of the Governor's office be, and the same is hereby appropriated.

Governor's Civil Contingent Fund.

SEC. 4. That the sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the Civil Contingent Fund of the Governor.

Superintendent Pub. Inst., for traveling expenses.

SEC. 5. That for the traveling expenses of the Superintendent of Public Instruction, the sum of six hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

Attorney Gen'l, incidental and traveling expenses.

SEC. 6. That for incidental and traveling expenses of the Attorney General, the sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

Incidental expenses of Judiciary, where Judge is called to preside in another court and for special term.

SEC. 7. That for the purpose of meeting the incidental expenses of the Judiciary, to pay Judges of Circuit or Common Pleas Courts, called by presiding Judges to try causes in which such presiding Judges may be interested, and for special terms, the sum of two thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

State House and State offices, for incidental expenses, fuel, stationery, etc.

SEC. 8. That for incidental expenses of the State House and State Offices, including fuel, stationery, etc., the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

Ajt. General's salary.

SEC. 9. That for the salary for the Adjutant General, eight hundred dollars is hereby appropriated.

Quarter Master General's salary.

SEC. 10. That for the salary of Quartermaster General, three hundred dollars is hereby appropriated.

Sheriff's mileage

SEC. 11. For Sheriff's mileage, ten thousand dollars.

For Public Printing, Paper and Binding, the sum of thirty thousand dollars is hereby appropriated, for the year 1873. Out of this appropriation shall be printed, under the direction of the State Board of Agriculture, the reports of the Board for the aforesaid year, also the reports of the State Horticultural Society for year aforesaid, and Geological reports for the same year.

For the Indiana Reports, five thousand dollars.

Indiana reports

For the Geological Survey, eight thousand dollars.

Geolog'l survey.

Sec. 12. That for the purpose of meeting the expenses of the State Government for the year one thousand eight hundred and seventy-four, the following sums are hereby appropriated.

Expenses of
State Govern-
ment for 1874.

Sec. 13. For the payment of the salaries of the Executive officers, and their Deputies and Clerks, the following sums:

For the salary of the Governor, eight thousand dollars.

Gov's salary.

For the salary of the Treasurer of State, three thousand dollars.

Treasurer of
State. Salary.

For the salary of Auditor of State, two thousand and five hundred dollars.

Auditor of
State. Salary.

For the salary of the Secretary of State, two thousand dollars.

Secretary of
State. Salary.

For the salary of the Superintendent of Public Instruction, fifteen hundred dollars.

Sup't of Pub.
Inst. Salary.

For the salary of the State Librarian, twelve hundred dollars.

State Librarian.
Salary.

For the salary of the Governor's Private Secretary, one thousand dollars.

Gov's Private
Sec'y. Salary.

For the salary of the Auditor of State's Clerks, three thousand dollars.

Aud. of State's
Clerks. Salary.

For the salary of the Treasurer of State's Clerks, sixteen hundred dollars.

Treas. of State's
Clerks. Salaries

For the salary of the Secretary of State's Clerks, fifteen hundred dollars.

Sec'y of State's
Clerks. Salaries

For the salary of the Clerk of the Superintendent of Public Instruction, eight hundred dollars.

Clerk of Sup.
Court. Salaries.

For the salary of the Attorney General, one thousand dollars.

Attorney Gen-
eral's salary.

For the salaries of the Judges of the Supreme Court, at four thousand dollars each, twenty thousand dollars.

Judges of Sup.
Court. Salaries.

For State House attendance and repairs, two thousand dollars.

State House at-
tendance and
repairs.

For incidental expenses of the State Library, to include binding and the purchase of new books, one thousand dollars.

State Library,
incidental ex-
penses, books,
etc.

For incidental expenses of the Auditor of State's office, fifteen hundred dollars.

Auditor of
State's office,
incidental ex-
penses.

Sec'y of State's office, incidental expenses.

For incidental expenses of the Secretary of State's office, one thousand dollars.

Treas. of State's office, incidental expenses.

For incidental expenses of the Treasurer of State's office, one thousand dollars.

Supt. Pub. Inst. incidental expenses.

For incidental expenses of the office of the Superintendent of Public Instruction, one thousand dollars.

Distribution of laws.

For the distribution of laws and public documents, fifteen hundred dollars.

Supreme Court, contingent expenses.

For the contingent expenses of the Supreme Court, twenty-five hundred dollars.

Executive Department, Gov's office, for incidental expenses and Clerk hire.

SEC. 14. That the sum of four thousand dollars, or so much as may be necessary for the Executive Department, for Clerk hire and necessary incidentals of the Governor's office, be and the same is hereby appropriated.

Governor's Civil Contingent Fund.

SEC. 15. That the sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the the Civil Contingent Fund of the Governor.

Supt. of Pub. Inst. traveling expenses.

SEC. 16. That for the traveling expenses of the Superintendent of Public Instruction, the sum of six hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

Atty. General's traveling and incidental expenses.

SEC. 17. That for incidental and traveling expenses for the Attorney General, the sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

Judiciary, incidental expenses where Judge is called to preside out of his own court and for special terms.

SEC. 18. That for the purpose of meeting the incidental expenses of the Judiciary, to pay Judges of Circuit or Common Pleas Courts, called by presiding Judges to try causes in which such presiding Judges may be interested, and for special terms, the sum of two thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

State House and State offices incidental expenses, fuel, stationery, etc.

SEC. 19. That for incidental expenses of the State House, and State offices, including fuel, stationery, etc., the sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

Adjutant General's salary.

SEC. 20. For the salary of the Adjutant General, eight hundred dollars is hereby appropriated.

Quartermaster General's salary.

SEC. 21. For the salary of the Quartermaster General, three hundred dollars is hereby appropriated.

Sheriff's mileage. Public Printing for 1874, how and by what authority done, and what reports printed.

SEC. 22. For Sheriffs' mileage, ten thousand dollars.

For Public Printing, Paper and Binding, the sum of twenty thousand dollars is hereby appropriated for the year 1874. Out of this appropriation shall be printed, under the direction of the State Board of Agriculture, the reports of the Board for the aforesaid year, also the report of the State Horticultural Society, for the year aforesaid and Geological report for the same year.

For the Indiana Reports, five thousand dollars.

For the Geological Survey, eight thousand dollars.

SEC. 23. That for the current expenses for the Indiana Hospital for the Insane, including the salary of Superintendent of two thousand five hundred dollars, for the year from first of April, 1873, to thirty-first of March, 1874, one hundred and twenty-three thousand dollars; for general repairs, the sum of ten thousand dollars, for work indispensably required the sum of nineteen thousand six hundred dollars, and for work urgently recommended, the sum of sixty-six thousand dollars:—Making in the aggregate the sum of two hundred and eighteen thousand dollars.

Indiana reports
Geological Survey.
Hospital of Insane. Salary of Superintendent from April 1st, 1873, to March 31, 1874.

For general repairs of Hospital for insane.

SEC. 24. That for the current expense of the Institution for educating the Deaf and Dumb for the year from first of April 1873, to thirty-first of March, 1874, including the salary of the Superintendent of two thousand dollars, the sum of sixty-five thousand dollars.

Deaf and Dumb Institution, current expenses from 1st of April, 1873, to 31st of March, 1874, and salary of Superintendent.
Blind Asylum, current expenses from 1st of April, 1873, to 31st of March, 1874, and salary of Superintendent.
Books for Blind.

SEC. 25. That for the current expenses of the Institute for the education of the Blind, for the year from the first of April, 1873, to thirty-first of March, 1874, including the salary of the Superintendent of two thousand dollars, thirty-two thousand five hundred dollars; and for the purchase of books for the use of the blind, five hundred dollars.

SEC. 26. That for the current expenses of the Indiana Soldiers, Seaman's and Orphan's Home for the year, from first of April, 1873, to thirty-first March, 1874, including the salary of the Superintendent, the sum of thirty-eight thousand dollars.

Soldiers, Seamen and Orphan's Home, current expenses from 1st of April, 1873, to 31st of March, 1874, and salary of Sup't.
House of Refuge current expenses, and salary of Superintendent, and for current year, from April 1st, 1873, to April 1st 1874

SEC. 27. That for the current expenses of the House of Refuge, including the salary of the Superintendent, medical attendance, and all other expenses, for the year from the first of April, 1873, to thirty-first March, 1874, the sum of twenty-five thousand dollars.

SEC. 28. That for the current expenses of the Indiana Hospital for the Insane, including the salary of the Superintendent of twenty-five hundred dollars, for the year from first of April, 1874, to thirty-first of March, 1875, one hundred and twenty-three thousand dollars; for general repairs, ten thousand dollars; and for increasing the capacity, and the necessary increase of the current expenses thereof, the sum of thirty thousand dollars, making the aggregate of one hundred and sixty-three thousand dollars.

Hospital for Insane, current expenses and salary of Superintendent for year, from April 1st, 1874, to April 1st, 1875
For general repairs and capacity.

SEC. 29. That for the current expenses of the Institution for educating the Deaf and Dumb, for the year from first April, 1874, to thirty-first March, 1875, including the salary of the Superintendent of two thousand dollars, the sum of sixty-seven thousand five hundred dollars.

Deaf and Dumb Institution, current expenses and salary of Superintendent for year, from 1st of April, 1874, to 1st of April, 1875.

Blind Asylum, current expenses and salary for Sup. for year, from April 1st, 1874, to April 1st, 1875. For purchase of books.

Soldiers, Seamen and Orphans' Home, current expenses and salary of Superintendent from April 1st, 1874, to April 1st, 1875.

House of Refuge, current expenses and salary of Sup. &c., from April 1st, 1874, to April 1st, 1875.

Blind Asylum.

Rebuilding fences. Work Shop.

Repainting Buildings. Constructing drain. Introducing water from city works.

State Prison North, current expenses from April 1st, 1874, to April 1st, 1875.

State Prison South, current expenses from April 1st, 1874, to April 1st 1875.

State University, current expenses from April 1st, 1874, to April 1st 1875.

State Prison North, current expenses from April 1st, 1873, to April 1st 1874.

State Prison South, current expenses from April 1st, 1873, to April 1st 1874.

State University, current expenses from April 1st, 1873, to April 1st 1874.

School Bonds, interest on for 1873 and 1874.

War Loan Bonds, interest on for 1873 and 1874.

SEC. 30. That for the current expenses of the Institute for the education of the Blind, for the year from first April, 1874, to thirty-first March, 1875, including the salary of the Superintendent of two thousand dollars, thirty-two thousand and five hundred dollars; and for the purchase of books for the use of the blind, five hundred dollars.

SEC. 31. That for the current expenses of the Indiana Soldiers, Seaman's and Orphans' Home for the year from the first April, 1874, to thirty-first March, 1875, including the salary of the Superintendent, the sum of thirty-eight thousand dollars.

SEC. 32. That for the current expenses of the House of Refuge, including the salary of the Superintendent, medical attendance and all other expenses, for the year from the first April, 1874, to thirty-first of March, 1875, the sum of thirty-seven thousand five hundred dollars.

SEC. 33. That there be appropriated the Indiana Institute for the education of the Blind, the present current year, the sum of six thousand dollars, for the following specific purposes, viz: For rebuilding fences, one thousand dollars; for steam fixtures in work-shop, fifteen hundred dollars; for repainting buildings, one thousand dollars; for constructing drain from premises to city sewer, one thousand dollars; for introducing water from city works, one thousand five hundred dollars.

SEC. 34. That for the current expenses of the State Prison North, for the year from first April, 1874, to thirty-first March, 1875, the sum of ten thousand dollars.

SEC. 35. That for the State Prison South, for the current expenses for the year from first April, 1874, to thirty-first March, 1875, the sum of seven thousand dollars.

SEC. 36. That for the State University for current expenses for the year from first April, 1874, to thirty-first March, 1875, the sum of twelve thousand dollars.

SEC. 37. That for the current expenses of the State Prison North, for the year from first April, 1873, to thirty-first March, 1874, the sum of ten thousand dollars.

SEC. 38. That for the State Prison South, for current expenses for the year from first April, 1873, to thirty-first March, 1874, the sum of seven thousand dollars.

SEC. 39. That for the State University for current expenses for the year from first April, 1873, to thirty-first March, 1874, the sum of twelve thousand dollars.

SEC. 40. That for the payment of the interest on the School Bonds for the year 1873, the sum of two hundred and twenty-three thousand seven hundred and forty dollars and ninety-six cents, and a like sum for the year 1874.

SEC. 41. That for the payment of the interest on the War Loan Bonds, for the year 1873, the sum of eigh

thousand one hundred and forty dollars, and a like sum for the year 1874.

SEC. 42. That for the increase of the salary of the Superintendent of Public Instruction for the year 1873, five hundred dollars, and for the year 1874 a like sum.

Sup. of Pub. Inst., increase of salary for 1873 and 1874.

SEC. 43. That for the purpose of enabling the Trustees of the State University at Bloomington to erect an additional building to meet the wants of the institution, the sum of ten thousand dollars for the year 1873, and a like sum for the year 1874, subject to the order of the Trustees of said institution.

State University, erection of additional building appropriations for 1873 and 1874.

SEC. 44. That for the salaries of thirty-eight Circuit Judges, at two thousand five hundred dollars each, the sum of ninety-five thousand dollars for the year 1873, and a like sum for the year 1874.

Circuit Judges' salaries for 1873 and 1874.

SEC. 45. That for the salaries of thirty-eight Prosecuting Attorneys, at five hundred dollars each, the sum of nineteen thousand dollars for the year 1873, and a like sum for the year 1874.

Prosecuting Attorneys, salaries for 1873 and 1874.

The Auditor of State, Secretary of State and Treasurer of State shall each be allowed to draw the several appropriations made in this Act for contingent expenses of their respective offices.

Aud., Sec'y, & Treas. of State to draw appropriations made in this act for contingent office expenses. State Horticultural Society, incidental expenses for 1873 and 1874, how drawn.

SEC. 46. For the incidental expenses of the State Horticultural Society for the years 1873 and 1874, the sum of five hundred dollars is hereby appropriated, to be drawn on the order of the President of such society each year.

John C. Shoemaker, incidental expenses as Auditor of State for 1871 and 1872.

SEC. 47. To John C. Shoemaker for incidental expenses of Auditor of State's office, for the years 1871 and 1872, the sum of three thousand dollars.

James B. Ryan, Treasurer of State, incidental expenses for 1871 and 1872.

SEC. 48. To James B. Ryan for incidental expenses of Treasurer of State's office, to include the costs of exchange on the transmission of funds to New York, for the years 1871 and 1872, two thousand dollars.

SEC. 49. There being an emergency for the immediate taking effect of this Act, the same shall be in force from and after its passage.

Emergency.

CHAPTER II.

AN ACT making specific appropriations for the year one thousand eight hundred and seventy-three.

[APPROVED MARCH 10, 1873.]

Col. Norman
Eddy, late Sec-
retary of State,
funeral expen-
ses.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there be allowed the sum of four hundred and forty-five dollars in payment of the funeral expenses of Col. Norman Eddy, late Secretary of State.

Isaac Hodgson.

SEC. 2. That the sum of one hundred and fifty dollars be allowed Isaac Hodgson for services as architect on State offices and House of Refuge.

Barnabas C.
Hobbs.

SEC. 3. That Barnabas C. Hobbs be allowed four hundred and seventy-six dollars and sixty-six cents, being balance due him as Superintendent of Public Instruction and for fuel for his office.

Henry Coleman.

SEC. 4. That Henry Coleman be allowed ten dollars for washing towels for House of Representatives.

W. B. Walters.

SEC. 5. That W. B. Walters be allowed the sum of two hundred and twenty-two dollars and forty cents, expenses incurred in contesting the seat of Robert S. Taylor in the House, session of 1871.

Republican
State Central
Committee.

SEC. 6. That the Republican State Central Committee be allowed the sum of ninety-eight dollars and sixty cents for office rent and fuel for the Committees on Claims, Education and Federal Relations.

Isaac N. Morris

SEC. 7. That Isaac N. Morris be allowed the sum of one hundred and eight dollars and thirty-three cents for printing pamphlet entitled "Two per cent. claims of Illinois, Indiana and Ohio, etc."

Barbour &
Jacobs.

SEC. 8. That Barbour and Jacobs be allowed the sum of one thousand dollars, balance on their claim for legal services in sundry suits.

Joseph S.
Buckles.

SEC. 9. That Joseph S. Buckles be allowed the sum of eight hundred and thirty-five dollars and fifty cents for money paid for swamp land which had been previously entered by other parties.

N. B. & E. Tay-
lor.

SEC. 10. That N. B. and E. Taylor be allowed the sum of one hundred dollars for professional services in suit of Conner vs. Shoemaker, Auditor of State.

McDonald, But-
ler & McDonald.

SEC. 11. That McDonald, Butler and McDonald be allowed the sum of two hundred and fifty dollars for pro-

professional services in suit of A. H. Conner vs. John C. Shoemaker, Auditor of State.

SEC. 12. That Holland and Binkley be allowed the sum of one thousand dollars for professional services in case of Michael Batzner, defaulter as Treasurer of Franklin County. Holland & Binkley.

SEC. 13. That J. C. Burnett be allowed the sum of ninety dollars for services as clerk to the Committee on Ways and Means. J. C. Burnett.

SEC. 14. That W. E. Redmond be allowed the sum of three hundred dollars for services as janitor for committee rooms regular session 1873. W. E. Redmond.

SEC. 15. That W. W. Collins be allowed the sum of two hundred and fifteen dollars for services as clerk to Committees on Ways and Means, Benevolent Institutions and Public Buildings. W. W. Collins.

SEC. 16. That Sunday Post be allowed the sum of seven hundred and eight dollars and seventy-five cents for 630 copies of Sunday Post per week for 9 weeks, at 12½ cents per copy. Sunday Post.

SEC. 17. That Anna T. Fournier be allowed the sum of eighty-seven dollars and seventy cents for costs rendered against and paid by her late husband, Chas. F. Fournier, Col. of the 5th Infantry, in a suit growing out of his order whilst in a line of his duties. Anna T. Fournier.

SEC. 18. That Hilary Clay be allowed the sum of four hundred and fifty dollars in full for his claim for clerical services in various cases connected with the Attorney General's office. Hilary Clay.

SEC. 19. That Walton C. Baker be allowed the sum of two hundred and sixty-five dollars for services as stationery clerk in the office of the Secretary of State. Walton C. Baker.

SEC. 20. That Baker, Hord and Hendricks be allowed the sum of five hundred dollars for professional services in the case of John W. Garrett vis [vs.] The Trustees of the Wabash and Erie Canal. Baker, Hord & Hendricks.

SEC. 21. That Z. W. Coffin be allowed the sum of two hundred and fifteen dollars for services as stationary clerk in the office of Secretary of State. Z. W. Coffin.

SEC. 22. That W. E. Stewart be allowed the sum of one hundred dollars for services as copying clerk in House of Representatives. W. E. Stewart.

SEC. 23. That J. C. McCormick and D. W. Rowland be allowed the sum of thirty dollars for making calendar of Bills pending in the House upon the adjournment of the late special session. J. C. McCormick & D. W. Rowland.

SEC. 24. That Dillon Hayworth be allowed the sum of seventeen hundred and twenty-nine dollars and fifty-two cents in full for his claim for extra work done on Dillon Hayworth.

House of Refuge as sub-contractor under Martin A. Reeder.

A. H. Turner. SEC. 25. That A. H. Turner be allowed the sum of seventy dollars for services as mail carrier and sweeper fourteen days for the House.

Lester L. Norton. SEC. 26. That Lester L. Norton be allowed the sum of one hundred dollars for services as Janitor on Judiciary Committee.

Wm. J. Wallace. SEC. 27. That William J. Wallace be allowed the sum of twelve dollars and forty cents for costs in case of John Kirk vs. Conrad Baker.

Gas Light & Coke Co. SEC. 28. That the Gas Light and Coke Company be allowed the sum of one hundred and thirty-two dollars and forty cents for gas fixtures and gas.

Anthony Davis. SEC. 29. That Anthony Davis be allowed the sum of forty dollars in full for services taking care of committee rooms.

Everson & Jenkins. SEC. 30. That Everson and Jenkins be allowed the sum of forty-five dollars for rent of two rooms for committees.

Samuel A. Harrot. SEC. 31. That Samuel A. Harrot be allowed the sum of three hundred and five dollars for services as Janitor and Postmaster in the House of Representatives.

State House, for repairs. SEC. 32. That for the repairs of the State House the sum of fifteen hundred dollars shall be allowed.

John Malony. SEC. 33. That John Malony be allowed the sum of sixty-seven dollars and fifty cents for forty-five days services as Janitor of committee rooms.

Spiegel & Thoms. SEC. 34. That Spiegel and Thoms be allowed the sum of seventy-seven dollars for furniture furnished the Senate at special session.

W. H. H. Terrell. SEC. 35. That W. H. H. Terrell be allowed the sum of two hundred and fifty dollars for services rendered the State in procuring payment of a claim against the General Government.

Julius Boettcher. SEC. 36. That Julius Boettcher be allowed the sum of sixty dollars for the Volksblatt furnished the Senate during the special session of 1872.

Osborn & Calkins. SEC. 37. That Osborne and Calkins be allowed the sum of four hundred dollars for services performed for the State by the employment of the Governor.

Adams, Mansur & Co. SEC. 38. That Adams, Mansur and Co. be allowed the sum of four hundred and fifty dollars and fifty-eight cents for material furnished the Senate at special session.

O. M. Eddy. SEC. 39. That O. M. Eddy be allowed the sum of nine hundred and ninety dollars and ten cents for extra work done in the office of Secretary of State.

A. E. & W. H. Drapier. SEC. 40. That A. E. and W. H. Drapier be allowed for the same number of copies of the Brevier Legislative Reports of the special and regular session of the 48. General

Assembly as have been furnished ever since 1857, the same price paid per page for the last several volumes.

SEC. 41. That John Jones be allowed the sum of five dollars for raising coal from the cellar of the State House for the use of the Senate. John Jones.

SEC. 42. That John F. Fears be allowed the sum of fifteen dollars for services performed as constable for Railroad Committee of the Senate. John F. Fears.

SEC. 43. That R. S. Sproule be allowed the sum of fifty dollars for ten days service as stationery clerk of the Legislature. R. S. Sproule.

SEC. 44. That John Abrams be allowed the sum of five dollars for raising coal from the cellar of the State House for the use of the Senate. John Abrams.

SEC. 45. That Murphy, Johnson and Co., be allowed the sum of forty-one dollars and seventy cents for De Laine and Prints furnished the Senate at the special session 1872. Murphy, Johnson & Co.

SEC. 46. That Mitchell and Rammelsberg be allowed the sum of thirty-four dollars for furniture and bedding as per bill rendered. Mitchell & Rammelsberg.

SEC. 47. That Henry Coleman be allowed the sum of twenty dollars for washing twenty dozen towels. Henry Coleman.

SEC. 48. That William H. English be allowed four hundred dollars for rent for committee rooms. Wm. H. English.

SEC. 49. That William P. and Edward P. Gallup be allowed the sum of nineteen thousand and five hundred dollars in consideration of the real estate sold by them to the State of Indiana, as is authorized and directed by Joint Resolution No. 12 of the Senate, confirming the purchase of additional grounds whereon to erect a new State House, approved March 5th, 1873. Wm. P. & E. P. Gallup.

SEC. 50. That Patrick Shannon be allowed the sum of two thousand dollars for incidental expenses of the office of the Agent of State for the years of 1871 and 1872. Patrick S. Shannon.

SEC. 51. That there be allowed to the following persons the following sums for witness fees and other services in the contested election case of Klein vs. Burson: Klein vs. Burson, allowance for witness fees in contested case in Senate.

To Weems Heagg.....	\$ 7.40
Joseph T. Kirkwood.....	14.20
Richard Lake.....	5.10
Simon Knight.....	24.80
George M. McGraw.....	9.60
A. K. Rockenfield.....	5.80
Howell D. Thompson.....	14.10
James Daugherty.....	11.10
William Shidler.....	14.00
William Scott.....	5.60

To Thomas N. Stilwell.....	\$ 6.60
Fleming L. Luse.....	5.10
Benjamin F. Beeson.....	9.10
William S. Robinson.....	5.10
Cornelius Daugherty.....	30.00
James Alexander.....	8.40
David Buchanan.....	9.90
Jesse Faulkner.....	14.10
A. G. Kirkwood.....	11.10
James S. Reydon.....	17.10
George Bevy.....	8.40
David Hiel.....	11.30
John T. Robinson.....	9.90
George M. Robinson.....	8.40
William N. Jackson.....	11.40
C. M. Riggs.....	12.00
William Beeson.....	9.10
W. J. Faulkner.....	14.10
George W. Taylor.....	14.90
Lewis P. Everett.....	9.90
William. W. Walker.....	11.40
S. A. Wilson.....	11.40
S. T. Brady.....	11.40
Aaron Manning.....	8.40
E. B. Graves.....	9.90
W. H. H. Hatfield.....	12.90
John A. Gilbert.....	14.90
H. C. Klein.....	11.40
Walter Everett.....	9.90
James V. Blunt.....	11.40
John M. Bussey.....	12.90
George W. Hawk.....	9.90
Amos S. Wilson.....	11.40
John K. Irwin.....	8.40
Joseph Hinslon.....	9.50
Austin Reed.....	8.00
George W. Spieker.....	12.80
A. D. Williams.....	11.10
Liberty Grim.....	23.00
William Cox.....	19.20
John R. McKinney.....	14.00
D. H. Swain.....	20.00
John F. Weidman.....	6.60
Edward R. Charman.....	11.10
Joseph Fulton.....	5.10
J. P. Williams.....	10.80

Wm. T. Lockhart, allowance for funeral expenses of.

SEC. 52. That the sum of two hundred and twenty (\$220) dollars be allowed to pay the funeral expenses of

Wm. T. Lockhart, late door-keeper of the House of Representatives.

SEC. 53. That five thousand dollars be appropriated for repairs of Southern Prison. Southern Prison, for repairs.

Three thousand dollars for the purchase of additional clothing for the convicts of the Northern Prison. Northern Prison, for clothing for convicts.

Two thousand dollars for the erection of such improvements as are necessary to supply the Northern Prison with water. Northern Prison, for supply of water.

Two hundred dollars for building flues in cooper shop of Northern Prison. Northern Prison, for cooper shop.

Five hundred dollars for the purchase of books for Library of the Northern Prison. Northern Prison, for Library.

Two hundred dollars for the year 1873, and two hundred dollars for the year 1874, additional compensation of the Deputy Warden of the Southern Prison. Deputy Warden Southern Prison allowance.

Two hundred dollars for 1873 and two hundred dollars for 1874 additional compensation for the Deputy Warden of the Northern Prison. Deputy Warden Northern Prison allowance.

SEC. 54. Whereas an emergency exists for the immediate taking effect of this Act, the same shall therefore take effect and be in force from and after its passage. Emergency.

CHAPTER III.

AN ACT, appropriating one hundred and twenty-five thousand dollars to defray the expenses of the forty-eighth regular session of the General Assembly of the State of Indiana.

[APPROVED JANUARY 21, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That one hundred and twenty-five thousand dollars be and the same is hereby appropriated to defray the expenses of the present General Assembly; *provided*, that if any part of the amount thus appropriated shall remain, after the expenses of the present Assembly are paid, the amount so remaining shall at once revert to the general fund. \$125,000 appropriated for Legislative purposes.

SEC. 2. That it shall be the duty of the Auditor of State to audit the accounts, and issue his warrants upon the Treasurer of State, for the per diem and mileage of Senators and Representatives, as allowed by law, and also such allowances as may be provided by either House or Senate by resolution, upon the certificate, in case of Sena- Per diem and mileage of Senators and Representatives, how audited and paid.

tors, of the President of the Senate, and in case of Representatives, upon the certificate of the Speaker of the House, setting forth the time served, and amount of mileage and allowance to which such Senator or Representative may be entitled.

Per diem of Officers and Clerks of Senate and House of Representatives, how audited and paid.

SEC. 3. That it shall be the duty of the Auditor to audit the accounts and issue his warrants upon the Treasurer of State for the per diem of officers of the Senate and House of Representatives, and their assistants and appointees, including clerks and other assistants to committees, and clerks of the State Librarian appointed by authority of either House. The pay of officers and appointees shall be as now provided by law.

Emergency.

SEC. 4. That no appropriation having been made for the purposes herein set forth, it is declared that an emergency exists for the immediate taking effect of this Act, and therefore the same shall be in force from and after its passage.

CHAPTER IV.

AN ACT, making an appropriation to Purdue University, and declaring an emergency.

[APPROVED MARCH 6, 1873.]

\$60,000 appropriated.

For what purpose appropriation is made.

Money appropriated to whom, how and where to be paid.

Emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of sixty thousand dollars be and the same is hereby appropriated to the Trustees of Purdue University, to be used by them in the erection of the main College edifice, the purchase of chemical, philosophical and mathematical apparatus, for fencing and ornamenting the grounds of the University, and for the advancement of the general welfare of the same; said money shall be paid to the Treasurer of said Board of Trustees upon the warrant of the Auditor of State, thirty thousand dollars thereof to be paid on the first day of June in the year Eighteen hundred and seventy-three, and thirty thousand dollars thereof to be paid on the first day of June in the year Eighteen hundred and seventy-four.

SEC. 2. An emergency is hereby declared to exist for the immediate taking effect of this Act, and it shall therefore take effect and be in force from and after its passage.

CHAPTER V.

AN ACT, authorizing the appropriation of money out of the State Treasury for the use of the Indiana University, located at Bloomington, Monroe County.

[APPROVED FEBRUARY 19, 1873.]

WHEREAS, The income arising from the endowment fund of Indiana University, located at Bloomington, Monroe County, together with the amount appropriated for the use of said institution by an Act of the General Assembly, entitled, "An Act, authorizing the appropriation of money out of the State Treasury for the use of the State University, located at Bloomington, Monroe County," approved March 8, 1867, has become wholly inadequate to meet the growing wants of Public Education, and is not sufficient to enable said University rightly to provide for the education of all who are seeking instruction within her walls, and to accomplish her true mission as the head of our present great system of Common Schools, where education shall be free to all, therefore ;

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there be appropriated out of the State Treasury fifteen thousand dollars annually hereafter for the use of said Indiana University, additional to the amount appropriated therefor by the Act mentioned in the preamble of this Act, to be paid semi-annually, commencing on the 30th day of September, 1872. That the money hereby appropriated shall be paid out of said Treasury upon the warrants of the Auditor of State, as the interest on the said University fund is now paid out.

SEC. 2. The said University being in great need of immediate aid, it is hereby declared, that an emergency exists for the immediate taking effect of this Act; the same shall therefore be in force from and after its passage.

Preamble.

\$15,000 appropriated annually to State University to be paid semi-annually out of State Treasury.

Emergency.

CHAPTER VI.

AN ACT, to appropriate one hundred and fifty dollars for the distribution of the Report of the Superintendent of Public Instruction.

[APPROVED MARCH 4, 1873.]

Amount appropriated for distribution of report of Sup. Pub. Instruction.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Superintendent of Public Instruction be authorized to draw from the general fund of the State, not otherwise appropriated, one hundred and fifty dollars, or so much thereof as may be necessary, for the distribution of his Report to the several Counties of the State.

Emergency.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this Act, it shall take effect and be in force from and after its passage.

CHAPTER VII.

AN ACT, supplemental to an Act, entitled "An Act to provide for the election, fixing the compensation and prescribing the duties of the Attorney General, of the State of Indiana," approved February 21st, 1855, and repealing an Act, entitled "An Act to amend Sections four and seven of an 'Act to provide for the election, fixing the compensation and prescribing the duties of the Attorney General of the State of Indiana,'" approved June 3, 1861, and prescribing additional duties of Clerks of Circuit Courts, and Prosecuting and District Attorneys.

[APPROVED MARCH 10, 1873.]

Atty. Gen., where he shall reside and keep his office.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Attorney General of the State shall reside at Indianapolis and keep an office there, and shall, on all business days, during business hours, be at said office in person or by deputy, unless engaged in court or elsewhere in the service of the State.

SEC. 2. That in all cases where the Prosecuting Attorneys have failed for one year after the assessment of any fine or the forfeiture of any recognizance, or may hereafter for one year after the assessment of any fine or forfeiture of any recognizance, fail to institute proceedings to collect and pay into the proper treasury, any fine or forfeiture, it shall be the duty of the Attorney General to institute proceedings and collect and have paid into the proper treasury all such fines and forfeitures.

When and in what cases Atty Gen. shall institute proceedings against Pros. Attys.

SEC. 3. That it shall be the duty of the Attorney General to keep a record of all opinions given by him to the Governor, the General Assembly, or to any of the State officers, and an accurate account of all moneys collected or received by him under the provisions of this Act, in a substantially bound book, and to pay over to the proper officer all money collected at the end of each month.

Atty. Gen. shall keep a record of his opinions and account of money collected and pay same to proper officer

SEC. 4. That the Clerks of the several Circuit Courts be, and they are hereby required to make out and forward to the Attorney General within ten days after the close of the term of each Circuit Court, a statement of all fines assessed and forfeitures entered during such term, giving the names of the parties against whom such fines were assessed and forfeitures entered, and the names of surety or sureties in each case.

Clerks of Cir. Cts. shall make out and forward to Atty. Gen. statement of fines assessed and forfeitures entered, with names of parties and sureties.

SEC. 5. That the said Attorney General be required to keep his office in one of the lower rooms of the Supreme Court building, until otherwise provided by law.

Atty. Gen. shall keep his office in what building.

SEC. 6. That the said Attorney General shall be paid a salary of three thousand dollars per annum, to be paid quarterly out of any moneys in the Treasury not otherwise appropriated, from and after the commencement of the term of office of the present incumbent, and a docket fee of ten dollars in all cases in which he may appear for the State, to be taxed against the losing party with the costs in said cause: *Provided*, That in no case shall such docket fee be taxed against the State of Indiana.

Atty. Gen's salary, how paid, &c.

Docket fee.

SEC. 7. The Attorney General shall be required to attend to the interest of the State in all suits, actions or claims in which the State is or may become interested in the Supreme Court of this State.

Docket fees not to be taxed against State.

Att. Gen. shall attend interest of State in all suits, &c.

SEC. 8. He shall be required to give his legal opinion to the Governor whenever requested to do so, touching any question or point of law in which the interests of the State may be involved, and to give his opinion to any other State officer touching any question or point of law concerning the duties of any such officer, and likewise to either House of the General Assembly on the constitutionality of any existing or proposed law, whenever required so to do by resolution of such House.

Atty. Gen. shall give his legal opinion to Gov. State officers and General Assembly when

Atty. Gen's duty in relation to unclaimed witness fees, docket fees, license, &c., where same are required to be paid to State.

When officers do not take proper steps to recover property belonging to State Atty. Gen. shall institute suit against such officers.

Atty. Gen's fees in such cases.

Officers on demand, having custody of such moneys shall make report on oath to Atty. Gen.

Misdemeanor for officers failing to make such report, and penalty.

Atty. Gen. shall make report to Secy. of State.

Atty. Gen. may employ assistance, and the pay thereof.

Atty. Gen. may have such Clerks and Deputies as Gov., Secy. and Aud. of State may deem necessary, but cost of same not to exceed \$2,000, which shall be

SEC. 9. It shall be the further duty of the Attorney General to ascertain from time to time the amounts paid to any public officer of the State, or any County officer, or other person, for unclaimed witness fees, court docket fees, license, money unclaimed in estates or guardianships, fines or forfeitures, or moneys that escheat to the State for want of heirs, or from any other source where the same is by any law required to be paid to the State, or any officer in trust for the State; and in all cases where the officers whose duty it shall be to collect the same shall fail, neglect or refuse for twelve months after the cause of action in favor of the State shall have accrued, or shall fail, neglect or refuse to sue for and proceed to recover any property belonging to or which may escheat to the State, the said Attorney General shall institute or cause to be instituted and prosecuted all necessary proceedings to compel the payment of or recovery of any such property. For all collections made or property recovered under the provisions of this section, the Attorney General shall be allowed a commission of twenty per cent. on the first thousand dollars, ten per cent. on sums not exceeding two thousand dollars, and on all sums exceeding two thousand dollars five per cent. And for the purpose of enabling the Attorney General to ascertain the facts herein contemplated, it is hereby made the duty of the officers having the custody of any such moneys, to report all the facts to said Attorney General upon oath or affirmation pertaining thereto upon his demand in person, by deputy, or in writing, and any such officer failing to render such information upon such demand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars.

SEC. 10. The Attorney General shall be required to make annual reports to the Secretary of State on the first day of November, in each year, of the following statistics: All fines assessed and forfeitures entered in the State.

SEC. 11. That the Attorney General may employ and have such assistants to aid him in the discharge of his duties imposed upon him by the provisions of this act, and pay to them out of the sums so collected by such person or persons, a sum not exceeding ten per cent. of the sum or sums so collected.

SEC. 12. That the Attorney General shall have such Clerks and Deputies as the Governor, Secretary and Auditor of State may deem necessary, provided that not more than two thousand dollars shall be paid out of the Treasury in any one year for any such purpose. The salary of such Clerk or Deputy to be paid out of any funds

in the Treasury not otherwise appropriated, on the certificate of said State officers. paid out of what funds.

SEC. 13. That all laws and parts of laws coming in conflict with this act, be, and the same are hereby repealed. Laws repealed.

SEC. 14. It is hereby declared that an emergency exists for the immediate taking effect of this act; therefore, the same shall take effect and be in force from and after its passage. Emergency.

CHAPTER VIII.

AN ACT to authorize and regulate the incorporation of Banks of Discount and Deposit in the State of Indiana.

[APPROVED FEBRUARY 7, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any number of persons, and not less than five, may form themselves into a corporation, as a Bank of Discount and Deposit, with such rights and powers as are named in this act, by complying with the following requirements: No. of persons required to form corporation.

They shall unite in articles of association setting forth— What shall be set forth in articles of association.
First. The Name assumed by such association.

Second. The place where it is to be located and its operations as a Bank of Discount and Deposit are to be carried on and its business conducted, designating the county and city or town.

Third. The amount of its capital stock, which shall not be less than twenty-five thousand dollars, and which shall be divided into shares of one hundred dollars each.

Fourth. The names and places of residence of the shareholders, and the number of shares held by each.

Fifth. The number of Directors of the association, which shall not be less than three.

The articles of association shall be signed by the shareholders. Articles of association shall be signed.

SEC. 2. After the articles of association are completed and signed by the shareholders representing the amount of the capital stock designated therein, said shareholders may proceed to the election of the number of Directors named in said articles of association, by ballot who shall serve one year and until their successors are elected and qualified. Election of Directors.

And the Directors so elected shall, before entering upon their duties, take an oath or affirmation that they will faithfully and honestly discharge their duties as such. No. of Directors. Directors shall take oath.

President and Cashier shall be selected and take oath.

President and Cashier shall give bond, which shall be filed in the office of Secy. of State.

Certified copy of articles of association to be filed in office of Secy. of State.

Copies of articles of association duly certified by Secy. of State legal evidence.

When association to be considered body corporate.

Corporation to transact no business as bank until fifty per cent. of stock is paid in and certificate of that fact filed in office of Secy. of State.

Corporate seal, and succession.

Corporation may contract, sue, and be sued &c.

May receive deposits, buy and sell gold, &c., &c.

May act as trustee. Association shall not issue notes, bills, &c.

Rates of interest on discounts and loans.

SEC. 3. The Directors shall elect one of their number President, and shall also elect or appoint a Cashier. The President and Cashier shall each take an oath or affirmation that he will faithfully and honestly discharge his duties. And the board of Directors shall require of the President and Cashier to execute separate bonds with sureties in such sums as they may deem proper conditioned, that they will honestly and faithfully discharge their several duties as such officers—which said bond shall be filed in the office of Secretary of State for the benefit of Stockholders and creditors of such bank—during their continuance in office. A copy of the articles of association, certified by the President and Cashier to be a full, true, and correct copy of the original, shall be filed in the office of the Secretary of State of the State of Indiana, who shall file and carefully preserve the same in his office. Copies of such articles of association and certificates, duly certified by the Secretary of State, and authenticated by his seal of office, shall be legal and sufficient evidence in all courts of the existence of such association, and of every matter or thing which could be proved by the production of the original.

SEC. 4. And be it further enacted, that every association formed pursuant to the provisions of this act, shall from the date of filing of such certified copy of its articles of association in the office of the Secretary of State, be a body corporate, but shall transact no business except such as shall be preliminary and incident to its organization, until at least fifty per cent. of its whole capital stock has been actually paid in, and a certificate of that fact by the President and Cashier under oath or affirmation filed in the office of the Secretary of State. Such association shall have power to adopt a corporate seal, and shall have succession by the name designated in its articles of association and by such name it may make contracts, sue and be sued, complain and defend in any court of law and equity, as fully as natural persons, and may exercise, under this act, all the powers incidental and proper, or which may be necessary and usual in carrying on the business of banking as a bank of discount and deposit; may receive deposits, buy and sell exchange, gold and silver coin and bullion, and may loan money, negotiate, sell and guarantee such loans, and promissory notes, bonds, drafts, bills of exchange and other evidences of debt, and any securities thereof; and may become and act as the trustee for the same as fully as private persons may; but no such association shall issue notes, bills, or other evidences of indebtedness in the form or similitude of Bank Notes, and intended to circulate as bank notes, or bills, or as money. And such association may contract for, charge, take,

reserve, and receive on loans and discounts, the highest rates of interest allowed by the law of this State to be contracted for, taken and received by individuals.

SEC. 5. Every such association shall elect a board of directors annually at such time as may be designated by the first board of directors thereof, or specified in its by-laws, and at all elections of directors each shareholder shall be entitled to one vote for each share of stock held by him. Each director so elected shall serve one year and until his successor is elected and qualified, and before entering upon his duties, shall take an oath or affirmation that he will honestly and faithfully discharge his duties as such during his continuance in office. Shareholders may vote by proxies duly authorized in writing, but no officer, clerk, teller or book-keeper, of such association shall act as proxy. The Board of Directors may make and establish from time to time, such by-laws as may be deemed proper, not inconsistent with this act, for the regulation and transaction of its business, holding elections for directors, the manner in which its stock shall be transferred on the books of the association, and the manner of appointing officers and agents thereof. Such association may from time to time appoint, besides the President and Cashier, such other officers, tellers, clerks, and agents, as may be deemed proper for the transaction of its business, and define their powers and duties, and remove them at pleasure.

The directors shall meet at least once a month and shall keep a record of their acts and proceedings.

The general business of the association shall be under the control and management of the Board of Directors, who shall cause all proper books to be kept of the transactions and business of the association such as are used in banks, and such books shall at all times be subject to examination and inspection by any stockholders of the association.

SEC. 6. No person who is not the owner, in his own right, of at least five shares of the capital stock of such association shall be eligible to serve as a director, and if any person whilst holding the office of director, shall transfer his stock, and thereby become the owner of less than five shares, his office as director shall from the date thereof, terminate, and the vacancy may be filled by the remaining directors by appointment, and the person so appointed shall serve until his successor is elected and qualified.

At least ten days notice of the time and place of holding all elections of directors, except the first, shall be given to the stockholders, either by personal notice in writing or by publication in a weekly newspaper, if any is published in the country in which the association is located.

SEC. 7. At least fifty per cent. of the whole capital

Board of Directors, election of

Directors' term of office and oath to be taken

Vote by proxies

By-laws.

Association may appoint other officers.

Meetings of Directors.

General business of association, by whom managed. Books of association.

Eligibility of person to serve as Director.

Vacancy in office of Director, how filled.

Notice of election of Directors.

Payment of capital stock,

when to be paid in. stock of the association shall be paid in before commencing business, as provided in Section 4, and the residue shall be paid within six months thereafter, and may be required in such installments, within that period as the Board of Directors may determine: If any person shall fail to pay any installment due on his capital stock when so required, the Board of Directors may proceed to collect the same by suit in any court of competent jurisdiction, or they may sell the stock of such delinquent stockholders at public auction, having given three weeks notice of the time and place of such sale by publication in a newspaper published in the city, town, or county in which the association is located, and if no newspaper is published in such county, then in a newspaper published nearest thereto, to any person who will pay the highest price therefor, and not less than the amount due thereon, with the expenses of advertising and sale; and the excess if any shall be paid to the delinquent shareholder.

Capital stock personal property. The capital stock of such association shall be deemed personal property and treated as such.

Capital stock, how increased. SEC. 8. The capital stock of such association may be increased by a vote of the shareholders owning two-thirds of the capital, a certificate of which shall be made and recorded on the records of the Board of Directors, and a certified copy thereof with the signatures of the President and Cashier of the association shall be filed in the office of the Secretary of State; but such increased stock shall be paid in at the time it is subscribed.

Notice of increase of capital stock to be filed in office of Secy. of State, and when increased stock to be paid. Surplus fund to be set apart.

SEC. 9. It shall be the duty of the Board of Directors to set apart and retain ten per centum of the annual net profits of the business of such association as a surplus fund until the same shall amount to twenty-five per centum of its capital stock.

Dividends, when the same may be declared.

The directors of any association may semi-annually declare a dividend of so much of the net profits of the association as they shall judge expedient, first deducting therefrom the one-tenth part thereof to be carried to the surplus fund. But neither the association nor any member thereof, shall, during the time it shall continue its banking operations, withdraw or permit to be withdrawn any portion of its capital, either in the form of dividends or otherwise. And if losses shall at any time have been sustained by any such association equal to or exceeding its undivided profits then on hand, no dividend shall be made, and no dividend shall ever be made by any association while it shall continue its banking operations to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. And all debts due to any association on which interest is past due for a period of six months,

Bad debts.

unless the same shall be well secured, shall be considered bad debts within the meaning of this act.

SEC. 10. The President and Cashier of every such association shall cause to be kept at all times a full and correct list of the names and residences of all shareholders in the association, and the number of shares held by each in the office where its business is transacted and such list shall be subject to the inspection of all the shareholders and creditors of the association, and the officers authorized to assess taxes under the authority of the State.

List of names, residences, and number of shares of shareholders shall be kept.

SEC. 11. Any such association may go into liquidation and be closed by the vote of its shareholders owning two-thirds of its stock. And when such vote shall be taken, it shall be recorded on the record book of the association and notice thereof given by publication for at least three successive weeks in a weekly newspaper published in the city, town or county where the association is located, if any, and if there is no such newspaper published in the county then the notice shall be published in a weekly newspaper nearest thereto. And after such vote shall be taken, no dividend of profits or of the capital shall be made to the stockholders, nor any part of the capital withdrawn by, nor paid to the shareholders in any manner whatever, until all the debts and liabilities of the association of every kind are fully paid.

When association may go into liquidation and be closed.

Notice.

Dividends shall not be made, &c., until, &c.

SEC. 12. It shall be lawful for any association organized under this act, to purchase, hold and convey real estate as follows:

Association may purchase, hold and convey real estate for what purposes.

First. Such as shall be necessary for the immediate accommodation in the transaction of its business.

Second. Such as shall be mortgaged to it in good faith by way of security for debts.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it shall purchase at sales, under judgments, decrees or mortgages held by such association, or shall purchase to secure debts due to said association.

Such association shall not purchase or hold real estate in any other case or for any other purpose than as specified in this section, nor shall it hold the possession of any real estate under mortgage, nor hold the title and possession of any real estate purchased to secure any debts to it for a longer period than five years.

When shall not hold property longer than five years.

SEC. 13. The shareholders of each association, formed under the provisions of this Act, shall be held individually responsible for all contracts, debts and engagements of such association, made, contracted or incurred during the time such persons were the owners of a portion of the stock of such association, to the extent of the amount of

Extent of shareholders individual liability for contracts &c.

their stock therein, at the par value thereof, in addition to the amount invested in such shares.

What transfers of notes, bonds, &c. void.

SEC. 14. All transfers of notes, bonds, bills of exchange and other evidences of debt owing to any association, or of deposits to its credit; all assignments of mortgages, sureties on real estate, or of judgments or decrees in its favor, all deposits of money, bullion, or other valuable thing to its use, or for the use of any of its shareholders or creditors, and all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets to the proper payment of its just liabilities, or with a view to the preference of one creditor to another shall be utterly null and void.

How number of directors may be increased or diminished.

SEC. 15. The number of directors in any such association may be increased or diminished by a vote of the shareholders, owning two-thirds of the stock, at any regular annual meeting thereof for the purpose of electing directors; but in no case shall the number of directors be less than three nor more than nine. If from any cause, an election of directors shall not be made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, notice of the time and place of holding the same being given as required in section six.

No. of directors shall not be less than three nor more than nine. In case directors shall not be elected at time appointed.

President and Cashier shall annually make statements and have same published.

SEC. 16. It shall be the duty of the President and Cashier of every association organized under this act, to annually make out a sworn statement of the financial condition of such association and cause the same to be published for two weeks in a newspaper printed and published in the county where such association has its principal place of business, if a newspaper be printed in such county. If no paper be printed in such county, then they shall cause such statement to be published in a newspaper printed nearest to the place where such association has its principal office.

Misdemeanor and penalty for failure to comply with provisions of sec. 16

SEC. 17. Any person who shall fail or refuse to comply with the provisions of section sixteen of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than twenty-five dollars, and not exceeding one thousand dollars.

When Aud. of State with approbation of Gov. shall appoint person to make examination of affairs of association, &c.

SEC. 18. The Auditor of State with the approbation of the Governor, as often as shall be deemed necessary or proper, shall appoint a suitable person or persons to make an examination of the affairs of every banking association under this act, which person shall not be a director or other officer in any association whose affairs he shall be appointed to examine, and who shall have power to make a thorough examination into all the affairs of

the association, and in doing so, to examine any of the officers and agents thereof on oath; and shall make a full and detailed report of the condition of the association to the Auditor, and the association shall not be subject to any other visitatorial powers than such as are authorized by this act, except such as are vested in the several courts of this State. And every person appointed to make such examination, shall receive for his services at the rate of five dollars for each day by him employed in such examination, and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the association by him examined.

Report of condition of association.

Pay for services of examination.

SEC. 19. That every association formed under the provisions of this act shall make to the Auditor of State not less than five reports during each and every year, according to the form which may be prescribed by him, verified by the oath or affirmation of the President, Cashier, or other managing agent of such association, which report shall exhibit in detail and under appropriate heads, the resources and liabilities of the association at the close of business on any past day to be by him specified, and shall transmit such report to the said Auditor within five days after the receipt of a request or requisition therefor from him; and the report of each association above required, in the same form in which it is made to the Auditor, shall be published in a newspaper published in the place where such association is established, or, if there be no newspaper in the place, then in one published nearest thereto in the same county or an adjoining county, at the expense of the association, and such proof of publication shall be furnished as may be required by the said Auditor. And the said Auditor shall have power to call for special reports from any particular association whenever in his judgment the same shall be necessary in order to a full and complete knowledge of its condition. Any association failing to make and transmit any such report shall be subject to a penalty of one hundred dollars for each day after five days that such bank shall delay to make and transmit any such report as aforesaid, to be recovered in any court having jurisdiction in an action instituted by the Auditor of State on the relation of the State of Indiana, and when so recovered shall be placed in the Treasury of the State on account of the general fund.

Association shall make reports to Aud. of State.

Reports of association shall be published at the expense of association.

Aud. of State may call for special report.

Penalty for failure to make report to be recovered by Aud. of State and paid into treasury of State.

SEC. 20. There being no law authorizing the incorporation of such banks in this State, it is therefore declared that an emergency exists for the immediate taking effect of this act; therefore, the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER IX.

AN ACT to amend the fifteenth, nineteenth, thirty-first and forty-ninth sections of an act approved May 12, 1869, entitled "An act to provide for the organization of Savings Banks and the safe and proper management of their affairs."

[APPROVED MARCH 7, 1873.]

In what Trustees may invest money deposited.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said section nineteen of said act be and the same is hereby so amended as to read as follows, viz :

"SEC. 19. It shall be lawful for the Trustees of any Savings Bank to invest the money deposited therein only as follows, to-wit :

First. In the stocks or bonds or Treasury Notes of the United States.

Second. In the stocks or bonds of this State.

Third. In the orders or bonds of any county, city or town in this State, issued pursuant to the authority of law.

Fourth. In the stocks or bonds of any State in the Union that has, for ten years previous to such investment being made, regularly paid the interest on its legal bonded debt in lawful money of the United States.

Fifth. In bonds or notes secured by mortgage on unincumbered real estate, situate in the county where the bank is located, or in adjoining county, worth, exclusive of perishable improvements, at least twice the amount loaned thereon, but not to exceed sixty per cent. of the whole amount of deposits, shall be so loaned on interest.

Sixth. In promissory notes or bills of exchange before their maturity, payable at some chartered bank within this State, and having not to exceed twelve months to run from the date of the loan or purchase, made or indorsed by two or more freeholders of the county in which the bank is located, or in an adjoining county; *Provided*, that no such note or bill shall exceed the sum of five thousand dollars; and that no more than five thousand dollars shall be loaned upon the same security.

Seventh. In real estate, subject to the provisions of section twenty-four.

Eighth. In dealing in exchange by purchasing and selling sight or time drafts payable out of this State, *Provided*, that no draft shall be purchased by any Savings Bank, unless the same be made or indorsed by two or more

Note or bill purchased not to exceed \$5,000, &c.

Draft not to be purchased unless endorsed and not for more than \$5,000.

freeholders of the county in which the bank is located, or an adjoining county and no such draft shall be for a larger sum than five thousand dollars, nor shall any time draft payable out of the State, be so purchased, which shall have, at the time of such purchase, more than sixty days to run until it matures, and provided also that not more than one draft shall be held by any such bank, at any one time which is secured by the same indorsers or by any of the same indorsers. That said section thirty-one of said act be, and the same is hereby amended to read as follows, viz :

Time draft.

But one draft to be purchased at same time with same indorsers.

Sec. 31 amended

"SEC. 31. It shall not be lawful for the Trustees of any Savings Bank to declare or allow dividends on any deposit for a longer period than the same has been deposited, except that deposits made not later than the 10th days of January, April, July and October in each year, may, unless prohibited by the by-laws of the bank, have dividends, provided the same shall not exceed six per cent. per annum, declared upon them, the same as though deposited on the first day of either of those months respectively. And no dividend shall be paid unless upon deposits when the same are declared. *Provided*, that the trustees may in their discretion allow dividends upon moneys that shall have been on deposit but which shall have been withdrawn prior to the regular times for declaring dividends.

Trustees not to declare dividends on deposit for longer time than same has been deposited.

When deposits to be made to be entitled to dividends.

Trustees may allow dividends on deposits withdrawn prior to time for declaring dividends.

Sec. 49 amended

That said section forty-nine of said act be and the same is hereby so amended as to read as follows, viz :

"SEC. 49. It shall be lawful to pay Trustees of Savings Banks, acting as officers or agents of the same whose duties require and receive their regular and faithful attendance at the bank, such compensation as in the opinion of a majority of the Board of Trustees, shall be just and reasonable ; but such majority shall not include any Trustee or Trustees, to whom such compensation shall be voted, and the vote fixing or altering the compensation of any officer or agent, who is also a Trustee, shall be transmitted to the Auditor of State, with the names of the yeas and nays upon such vote for his information, and when the deposits of any Savings Bank shall reach or exceed the sum of \$150,000 the Trustees may with the written approval of the Auditor of State, allow the President for his services a sum not exceeding One Thousand Dollars per annum, and, with the like consent, may allow each member of the finance committee, not exceeding the rate of Six Hundred Dollars per annum for their services, such committee, however, not to exceed three members."

Compensation to Trustees acting as officers or agents of bank and by whom determined.

Vote fixing compensation of officer or agent to be transmitted to Aud. of State. When, by whom and what amt. may be allowed President for his services and also members of finance committee.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER X.

AN ACT making it unlawful for owners and proprietors of Billiard Tables to suffer or permit minors to play at or upon the same, or to suffer or permit minors to congregate at and about such Billiard Tables, and providing penalties for the violation of this act.

[APPROVED MARCH 8, 1873.]

A misdemeanor for person to allow minor to play at billiard and certain other tables.

Penalty.

Penalty for suffering minors to congregate in or about places where billiard and certain other tables are kept.

The provisions of this act not to apply to keeping of billiard and certain other tables in private families

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if any person owning or having the care, management, or control of any Billiard Table, Bagatelle Table or Pigeon Hole Table, shall allow, suffer or permit any minor to play Billiards, Bagatelle or any other game at or upon such table or tables, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each game so allowed, suffered or permitted to be played, be find [fined] in any sum not less than five dollars nor more than fifty dollars.

SEC. 2. That any person owning or having the care, management, or control of any Billiard Table or Tables, Bagatelle Table or Pigeon Hole Table kept in any saloon, hotel or other public place who shall suffer or permit minors to congregate at, in and about such place where such Billiard Table or Tables, Bagatelle Table or Pigeon Hole Table may be kept, shall, for each offense, be fined in any sum not less than twenty-five dollars, nor to exceed five hundred dollars.

SEC. 3. That the provisions of this act shall not apply in any case where a Billiard Table, Bagatelle Table, or Pigeon Hole Table may be kept or used in a private family.

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CHAPTER XI.

AN ACT to amend the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th Sections of an act entitled "An act to incorporate the town of Bluffton," approved February 12th, 1851, and also to repeal Section 11 of said act.

[APPROVED FEBRUARY 15, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Section (1) one of an act entitled "An Act to incorporate the town of Bluffton," Approved February 12, 1851, be amended so as to read as follows: Section 1 amended.

That the inhabitants of so much of the County of Wells as is contained within the following boundaries, to-wit: Commencing at the southeast corner of section four (4) township twenty-six (26) north range twelve (12) east, Wells County Indiana, and running north along the east line of said section four to Wabash river, thence northwest along the meandering of said river to the north line of said section four, thence west on the north line of said section four, to the northwest corner of said section four, thence south on the west line of said section four, to the southwest corner of said section four, and thence east on the south line of said section four, to the place of beginning; also to include all other additions that may be made to said town of Bluffton, (notwithstanding that such additions may not be named as additions to said town of Bluffton.) After a proper plat of the same has been recorded are created a body corporate, and politic by the name and style (for corporation purposes) of the corporation of Bluffton, and by that name shall be capable of suing and being sued, contracting and being contracted with, pleading and being impleaded, answering and being answered unto, in all courts and places, either in law or equity, and in all places whatsoever. Boundary of town of Bluffton.

SEC. 2. That section 2 of said act be amended so as to read as follows: May sue and be sued by corporate name.

The qualified voters within the bounds of the above described territory, shall be required to meet on the first Monday of March, 1873, and biennially thereafter for the purpose of electing one mayor, four councilmen, one clerk, one treasurer, one marshal, and one street commissioner. The mayor shall, by virtue of his office, be inspector of such elections, and shall, prior to the opening Sec. 2 amended.

Officers, when elected, term of office.

Mayor shall be inspector and appoint judges.

Judges shall be of different political parties.

Clerks of election shall be of different political parties, &c.

Manner of conducting elections.

Sec. 3 amended.

Judges and inspectors shall certify names of persons receiving highest No. votes. Certificate, where filed and recorded. Officers elected, when to meet.

Officers after giving bond and taking oath shall be capable of transacting business.

Vacancies in office, how filled

Terms of office.

Compensation of officers. Person elected to office refusing to serve shall pay five dol. unless, &c.

Sec. 4 amended.

Mayor shall take oath and give bonds.

of the polls, appoint two qualified freehold voters of said corporation, judges of such election, such judges being of different political parties, and when so appointed such judges together with the inspector shall constitute a board of election, *Provided*, there are different political parties in such corporation; and *provided* further, that such appointment shall be made from the political parties casting the highest number of votes in such corporation. The mayor shall also appoint two clerks, who shall constitute the clerks of said election; that such clerks shall be of different political parties, *Provided*, there are different political parties in said corporation; and *provided* further, that such appointments shall be made from the two political parties casting the highest number of votes in said corporation. Such board of election, and such clerks, being duly sworn, shall proceed to conduct said election in the same manner of conducting general elections.

SEC. 3. That section 3 of said act be amended so as to read as follows:

It shall be the duty of the inspector and judges of such election to certify, under their hands and seals, the names of person or persons who receive the highest number of votes for the several offices above designated, which certificate shall be filed and recorded by the clerk of said incorporation. The officers thus elected shall meet within ten days after such election, or a majority of them, and after giving the required bond and taking an oath or affirmation faithfully, diligently, and impartially to discharge their duty in their several offices, shall be considered capable of transacting all business pertaining to this act of incorporation. And in case of any vacancy or vacancies in any of the above offices, the council shall have full power, and it shall be its duty to fill such vacancy or vacancies. *And be it further enacted*, that all the officers elected under this act shall serve two years from the date of their election and until their successors are elected and qualified, and shall receive such compensation for their services as the council shall deem just. *And be it further enacted*, that any person elected to fill any office under this act (unless he be unable to give the required bond and surety, or be deterred by sickness) who refuses to serve shall pay the sum of five dollars into the treasury of the corporation.

SEC. 4. That section four of said act be amended so as to read as follows:

The mayor after [after] taking the oath of office, shall enter into bond and surety to the satisfaction of the council in the sum of three thousand dollars, payable to the State of Indiana for the use of said corporation, (which

bond shall be filed with the clerk of the Circuit Court of Wells County) for the faithful discharge and performance of the duties of his office, and shall be vested with all the powers of a justice of the peace, in every matter whatever; and shall be entitled to the same fees for like services, *Provided*, that the mayor's jurisdiction in criminal cases, shall be co-extensive with the county, and co-extensive with the corporation in civil cases. *And provided further*, that the mayor shall have original jurisdiction of all prosecutions for violation of the By-Laws and Ordinances of said corporation. And in all actions and prosecutions in the mayor's court, either party may have a trial by jury, change of venue to a justice of the peace, and an appeal to a court of competent jurisdiction, under the same restrictions, and in the same manner, as in justices courts, except in cases where the mayor has original jurisdiction, no change of venue shall be allowed. *Provided*, that in trials before him he shall have power to adjudge imprisonment, as a part of his sentence, not exceeding ten days in the county prison. The same rules of pleadings, and practice, shall be observed in the mayor's court, that are in a justice's court, *Provided*, that he shall have power to fine and imprison for contempt of his court, but the fine for such contempts shall not exceed five dollars, and the imprisonment shall not exceed three days in the county prison. All fines and penalties collected by him, shall be paid into the corporation treasury, within two months after the same shall have been received by him, except, that he shall pay all fines and forfeitures collected by him, for violation of the penal laws of the State, into the County Treasury, in the same manner and under the same restrictions that justices of the peace are required to do. Such mayor shall sign all commissions, contracts and licenses granted by the council, and shall preside at all meetings of the council.

And be it further enacted, That all actions brought to recover any penalty or forfeiture incurred under this act, or an ordinance, made in pursuance thereof, shall be brought in the name of the corporation of Bluffton. The process in every such case shall be a warrant, and the person named in such warrant, shall be arrested and brought before the mayor for trial, and if said cause is continued on the motion of the defendant, he shall be retained in custody, or enter into a reasonable recognizance for his appearance at the time to which said cause is continued, and it shall not be necessary to file with the affidavit, a copy of the ordinance or section, of the charter on which the affidavit is based, or charged to have been violated, but it shall be sufficient to recite in the affidavit the number of the ordinance, or section, charged to have been violated,

Bond shall be filed where.

Powers of Mayor, and fees.

Jurisdiction of Mayor in crim. cases.
Original jurisdiction of Mayor.

Jury trial, change of venue and appeal except, &c.

Imprisonment.

Rules of practice and pleading.

Contempt of court, punishment for.

Fines and penalties collected, when and where paid.

Mayor shall sign all contracts, &c., and preside over council meetings.

Actions, in what name brought, process and trial before mayor, &c.

with the date of its approval, nor shall it be necessary to copy any part of the affidavit, or other pleadings in the record of the cause; *Provided*, that the mayor shall note upon his docket, the parties to the action, the title of the cause, the filing of the affidavit, the issuing and return of process, and the judgment and proceedings had in the cause, and the satisfaction of the judgment when paid.

And be it further enacted, That if such penalty, or forfeiture and costs, in which judgment is obtained, are not paid or replevied, the defendant may be committed to the county prison for any period not exceeding twenty days. And it shall be the duty of the sheriff of Wells County, to receive such defendant, and obey the judgment of the mayor's court, in reference to him or her, and the sheriff shall receive for the keeping, custody, and boarding, of such defendant, fifty cents per day, to be paid by the corporation, upon the presentation to the council, an itemized account thereof, *Provided*, that such fine and costs may be paid at any time.

Sheriff of Wells county to receive defendant when committed, his pay for services, &c.

Sec. 5 amended.

SEC. 5. That section five of said act be amended so as to read as follows:

Treas., marshal and street com. shall give bond, and where the same shall be filed, &c.

Within ten days after the election the Treasurer, Marshal and Street Commissioner, shall each enter into bond and security, to the satisfaction of the council, for the faithful performance of their respective duties, as such officers, in a sum of not less than five hundred dollars, nor over three thousand dollars, payable to the State of Indiana for the use of said corporation, which bond and security shall be filed with, and recorded by the Secretary of the corporation, and upon which suit may be brought for any neglect of duty, in the name of the State of Indiana, for the use of said corporation.

Suit may be brought on bonds.

Sec. 6 amended,

SEC. 6. That section six of said act be amended so as to read as follows:

Marshal, his powers and duties.

That the marshal shall be the chief ministerial officer of the corporation, and shall be invested with all the powers of a constable; he shall be a conservator of the peace within the corporation, and shall arrest without process, all persons who within his view, shall commit any crime, misdemeanor, or violate any criminal ordinance of said corporation, take them before the mayor, or a justice of the peace, within the corporation, and detain them in custody, until the cause of such arrest has been investigated; suppress all breaches of the peace within his knowledge, hereby giving to him authority to call to his aid the power of the corporation, to pursue and commit to jail all felons, persons guilty of misdemeanors, or violations of the penal ordinances of the corporation; he shall execute and return all process directed to him by the mayor, or by the order of

the council; either in person or by deputy, attend upon and preserve order in the mayor's court, and in addition to the power herein vested in said marshal, he may without any writ, or order of attachment, confine any person, or persons, guilty of any offense against the penal laws of the State of Indiana, or against any penal ordinance of the corporation, in the county jail, if such arrest be made after night, or when no judicial officer having jurisdiction of the offence with which such person is charged shall be present to try the same, until there shall be an opportunity to bring such defendant before the mayor, or other judicial officer having jurisdiction of the offence, with which such person is charged; and it shall be the duty of the mayor, or such other judicial officer, when called upon for such purpose to try such person at the earliest practical time; but no person shall be detained in custody more than eighteen hours, unless by order of the mayor, or justice of the peace upon affidavit and writ, charging such person with some offence against the penal laws of the State, or against the penal ordinances of said corporation.

SEC. 7. That section seven of said act be amended so as to read as follows: Sec. 7 amended.

The council shall meet within ten days after their election, and at such other times as they shall by resolution, direct: *Provided*, that the council shall meet at least twice per month. The mayor shall be the presiding officer of the council, and shall have the casting vote in cases of a tie vote. Council, meetings of.
Mayor presiding officer of council.
Casting vote.

The mayor or any three councilmen, may call special meetings of the council, and at such special meetings, any kind of business under this act may be transacted. Special meetings.

The mayor and three councilmen shall constitute a quorum for the transaction of business. Quorum.

The minutes of every meeting of the council shall be kept by the secretary in a book kept for that purpose, which shall be open to public inspection. The council shall have power to cause to be provided a corporate seal, around the margin of which, shall be the words, "Corporation of Bluffton," and the words "State of Indiana" in the center thereof; and device as the council may direct, and such seal shall be affixed to all instruments or writing needing authentication. The mayor shall have the custody of such seal, and make, take, and certify under the same, the proof and acknowledgments of deeds, and other instruments in writing, which shall be good in any court in this State without further authentication; he may also take and certify depositions and affidavits, and the same shall have like force and affect, as if taken by a justice of the peace. Minutes of meetings of council.
Seal.
Mayor to have custody of seal, take acknowledgments, &c.

**Council, powers of.
Finance and property.**

The council shall have the management and control of the finances of the corporation, and of all property, real and personal, belonging to the corporation, and shall have the additional powers herein granted, and permitted, and may make and publish by-laws, and ordinances, necessary to enforce the same.

By-laws and ordinances.

Hand organs.

To regulate, license, or prohibit the use of hand organs, or any instruments of annoyance, or other music of itinerant performers in the streets, and public places, of the corporation. To fill up, or drain any lot, or parcel of ground within said corporation, or within one-half mile thereof, whenever it has, or may become so stagnant, and obnoxious, as to be in the opinion of the council, a nuisance, and injurious to the health, or comfort of said corporation, or any part thereof, at the expense of the owner of such grounds, under such reasonable regulations as the council shall prescribe; *Provided*, however, that not to exceed ten per centum of the value of such lot or grounds, as the same is valued and assessed upon the tax duplicate for county purposes; shall be expended in filling up, or draining the same in any one year.

Fire and fire works.

To prevent or regulate the use of fire arms, fire works, or other things, or practices tending to endanger persons or property.

**Erection of buildings.
Noxious trades.**

To prevent or regulate the erection of all buildings, or structures, to carry on noxious trades or business, and to regulate or prohibit the continuance of noxious trades or business in any building or structure, whenever the health or welfare of the corporation shall require the same, and for that purpose shall have jurisdiction one mile in every direction from the corporation limits. To establish cemeteries within, or without the corporation, and to provide for the sanctity of the dead, and to prohibit interments except in cemeteries heretofore established by law.

Cemeteries.

Peace and good order, &c.

To pass ordinances for the preservation of peace, and good order, to prevent vice and immorality, and to quell riots and disorderly assemblages.

Gaming and houses of ill fame, &c.

To suppress gaming and gaming houses, and houses of ill-fame; to prohibit and destroy instruments, and devices of gaming, and restrain fraudulent practices within the corporation.

Abatement of houses and cleaning of streets.

To compel the occupants of any building, or out house situate upon any real estate in the corporation that is filthy or unwholesome, to abate or cleanse the same, and to clean the streets, and alleys adjoining such property.

Markets and slaughter houses.

To regulate the location of markets, or slaughter houses, and for that purpose, shall have jurisdiction for one mile in all directions from the corporation limits.

Tables, alleys, devices, &c.,

To regulate and restrain all tables, alleys, machines,

devices or places of any kind for sports, or games, kept for hire or pay, and if deemed necessary to preserve peace, good order and morality, to prohibit the use of the same as aforesaid by the infliction of such fines and penalties, as this act will, to be provided for by ordinance.

for sports and games.

To regulate and restrain all theatrical and other exhibitions, and public shows, for which money is demanded or received, and if deemed expedient to prohibit the same, without a license being first obtained therefor, *Provided*, that lectures on scientific, historic, benevolent, or literary subjects, shall not be deemed within the provisions of this act.

Theatrical exhibitions and shows.

Lectures.

To prevent immoderate riding, or driving, and cause the person guilty of the same to pay a reasonable penalty therefor.

Immoderate riding or driving.

To prevent the incumbering of streets, squares, sidewalks and crossings, with vehicles or any other substances, or material whatever, interfering with the free use of the same.

Obstruction of streets.

To restrain and punish vagrants, mendicants, street-beggars, common prostitutes and their associates.

Vagrants, beggars, prostitutes et al.

To regulate and prohibit the running at large of cattle, horses, swine and other animals, and to provide for the impounding, keeping, sale and redemption of the same, when found in violation of the ordinance in such case provided.

Stock running at large.

To prevent the deposit of any unwholesome substance within the corporation limits, and punish persons guilty of the same, and to remove or destroy putrid animal or vegetable matter; and the council shall have the right to collect the expenses of removing any such unwholesome substances, putrid animal or vegetable matter, from the person found guilty of the violation of the provisions of the ordinances of the corporation in relation thereto, with ten per cent. damages thereon, and costs of suit therein, if the person occupying the premises fail to do so upon notice given.

Unwholesome substances.

To remove, or confine persons having infections, or pestilential diseases.

Infectious diseases.

To establish and regulate public pounds.

Public pounds.

To regulate hook and ladder companies, for the extinguishment of fires.

Hook and ladder companies.

To erect scales, and regulate the selling, weighing, and measuring of hay, wood, and other articles.

Scales, weights and measures.

To sink wells for the accommodation of the public.

Wells.

To erect a market house, or houses, and market places.

Market houses.

To regulate the sale of all kinds of property by peddlers, and auctioneers in the streets, stores, shops, or elsewhere in the corporation, and to license such peddlers

Peddlers and auctioneers.

and auctioneers and require them to pay a reasonable amount, per year, or per day. To regulate the speed of horses, carriages, locomotives, and other vehicles, within the corporation.

Speed of horses
locomotives, &c.

Streets, alleys,
sewers, &c. To lay out, open, grade, and otherwise improve the streets, alleys, sewers, sidewalks, and crossings, and keep them in repair, and to vacate the same.

Sidewalks,
drains, streets,
construction of,
and graveling,
&c.

To regulate the construction of sidewalks, drains, and the graveling or Macadamizing the streets; to cause the same to be done by ordinances, requiring the owners of the adjoining lots to perform the same; and if such lot owners shall fail to perform the same when required by such ordinances, the council shall have power to cause the same to be performed by contract given to the best bidder, after advertising to receive proposals therefor to provide for the estimate of the costs thereof, and the assessment of the same, upon the owners of such lots, or lands as may be benefited thereby, in such equitable proportion as the council may deem just; which estimate shall be a lien upon such lots, or lands, and may be enforced by sale of the same, in such manner as the council may provide; *Provided, however,* That not to exceed ten per cent. of the value of such lot, or lands, as the same may be valued and assessed upon the tax duplicate for State and county taxes, shall be assessed against such lot, or lands, in any one year.

Shade trees.

To regulate the planting, maintaining and protection, of shade trees along the streets, and in public grounds, and to compel the owners of lots bordering on any street or part thereof, to plant, maintain and protect such trees, and on failure to do so to cause the same to be done, and the expenses thereof, shall be a lien on such property, and collected in the same manner as street improvements.

School trustees
to report to
council.

To compel the school trustees to make a report to the council.

Contempts in
council room.

To punish contempts, and contemptuous and disorderly demeanor, in the council room.

Drainage of
real estate.

To provide on what terms real estate in said corporation may be drained, by means of surface or under drains, over and across other real estate therein.

Nuisances.

To remove and abate nuisances, and to carry out and enforce sanitary regulations.

Sec. 8 amended.

SEC. 8. That section eight of said act be amended so as to read as follows:

Council to have
power to make
other by-laws
and ordinances.

The council shall have power to make other by-laws, and ordinances not inconsistent with the laws of this State, and necessary to carry out the objects of the corporation, and to enforce the observance of all by-laws and ordinances, by enacting such penalties for their violation,

not exceeding fifty dollars for any offense which may be recovered in any action at law, with costs of suit, as they may deem right and proper, but every by-law imposing a penalty or forfeiture for the violation thereof, shall before the same shall take effect, be published for two consecutive weeks, in some newspaper, printed in the corporation, or by posting up five written or printed notices in public places for ten days, before the taking affect thereof.

Notice of by-laws with penalty to be given

The said council shall have power to assess a tax, and shall annually, on or before the first Monday in June, cause the secretary to certify to the auditor of Wells County, the amount per centum they require levied for general corporation purposes, on property within the limits thereof, (as is subject by the laws of this State to taxation for State, county, and other purposes) to be levied, and collected by the officers of said county, in the same manner as other taxes are levied, and collected; and said notice shall specify the per centum on the valuation of such taxable property, which shall in no case exceed one per centum on the appraised value of such taxable property. And it shall be the duty of said auditor, to levy the tax so required for corporation purposes, which shall by the auditor be exhibited on his duplicate, in a distinct column made for that purpose, in the same manner, as is required by law for levying taxes, for township purposes. And the taxes so levied for corporation purposes, and all those monies appropriated or to be collected by virtue of this act, shall be collected and paid over by the County Treasurer, to the Treasurer of the Corporation, on the order of the County Auditor, after deducting and retaining such per centum on the amount so collected, as is by law allowed for collecting the other taxes of said county.

Tax, assessment of.

Secretary to certify to Aud. of Wells Co. per centum, &c.

Auditor's duty in relation to tax.

Taxes levied, how collected, and to whom paid.

The council shall have power to assess annually, a tax not exceeding twenty-five cents on each one hundred dollars of taxable property, for common school purposes, which tax shall be assessed and collected the same as the taxes for general corporation purposes; but in all other matters in relation to common schools, and in relation to school buildings, this corporation shall be governed by the general laws of this State, for the incorporation of towns; *Provided*, that where taxes are levied and collected, it shall be done in the same way, as the taxes are levied, and collected for general corporation purposes as above directed. The said council shall have power to purchase, hold or convey, any estate, real or personal, for the use of the corporation so far as such purpose may be necessary to carry out the objects contemplated by this act, and shall have exclusive power over the streets, alleys, highways, and bridges, within the corporation; and may prescribe the

Tax for school purposes.

What property may be purchased, held and conveyed by council.
Streets, alleys, highways and bridges, power over.

Council may cause buildings to be taken down.

May exempt property from taxation.

Sec. 9 amended.

Secretary, his duties.

Sec. 10 amended

Marshal, other duties of.

Sec. 11 amended

Sec. 12 amended

Road district.

No. of days person liable to work on streets
Street commissioner's powers and duties in relation to working of streets, &c.

Sec. 13 amended

Intoxicating and other

height and manner of construction of all such bridges, and lay out, survey, and open new streets and alleys; and straighten, narrow, widen, gravel, grade, and otherwise alter and improve those already laid out. And may cause buildings, constructures, and other things in the way of any street, or other public improvement, to be taken down, removed, and appropriated, upon the payment of the damages, as the council may deem just. And also to exempt an amount of real property, owned by any resident householder, who is not worth over three hundred dollars, from sale for street improvements.

SEC. 9. That section nine of said act to be amended so as to read as follows :

The secretary shall attend all meetings of the council, shall make a record of all their proceedings in a book kept for that purpose, enter in a book kept for that purpose all laws and ordinances passed by said council, and keep a record of all claims filed against the corporation, and all claims allowed, and orders issued, in a book kept for that purpose. And shall perform such other duties pertaining to his office, as the council shall direct.

SEC. 10. That section ten be amended so as to read as follows :

It shall be the duty of the marshal to perform such other duties, not herein specified in relation to his office, as the council may order or direct.

SEC. 11. That section eleven of said act is hereby repealed.

SEC. 12. And that section twelve of said act be amended so as to read as follows :

The bonds of said corporation shall constitute one road district, which shall be under the exclusive control of the council, who may order the street commissioner to make such improvements, and at such places as they may think proper. The said council shall designate the number of days that each person liable to work on the street shall work, in each year, but the street commissioner shall have full authority over the men when working out the street labor, within said corporation. And also said street commissioner shall have control of all the tools of the corporation, for street purposes, and shall furnish the secretary a list of the names of the persons so working on the streets and the number of days each labored; and a list of the tools received by him as such street commissioner, and the said street commissioner shall perform such other duties pertaining to his office as the council may direct.

SEC. 13. And that section thirteen of said act to be amended so as to read as follows :

It shall be unlawful for any person or persons within the

bounds of said corporation, to sell or retail in less quantities than one quart at a time, any spirituous, vinous or malt liquors, foreign or domestic, or keep what is commonly called a tippling house; unless such person or persons shall in addition to a license obtained from the County Commissioners obtain a license from the mayor of said corporation who is hereby authorized to grant the same for any term not exceeding one year at a time, on the applicant paying a sum not less than twenty-five dollars, nor more than two hundred, as the council by ordinance prescribe. And any person or persons retailing liquors contrary to this act, shall be punished by a fine of not less than five dollars, nor exceeding twenty-five dollars, in like manner as for retailing liquors without permit or license from the County Board.

And be it further enacted, That should any person or persons, sell, barter or give away any intoxicating liquors within the corporation limits to any minor, or to a person who is already intoxicated, shall upon conviction, be fined not less than five dollars, nor over fifty dollars.

Penalty for violation of law in relation to intoxicating liquors.

SEC. 14. This act to be in force from and after its passage.

Emergency.

CHAPTER XII.

AN ACT to consolidate certain Mortgage loans forfeitures, bills receivable and other debts and accounts due the School Fund into one non-negotiable bond and making other provisions in relation thereto.

[APPROVED MARCH 11, 1873.]

WHEREAS, There is due from the State to the sinking fund on account of loan to the State Prison South, twelve thousand dollars, with the interest thereon from April 12, 1870, to February 1, 1873, amounting to one thousand nine hundred and one dollars, and fifty-nine cents; and on account of loan to the State officers building fund, six thousand eight hundred and two dollars and thirty-two cents, with the interest thereon from November 20, 1869, to February 1, 1873, amounting to one thousand two hundred and eight dollars and seventy-six cents; and on account of loan to the Blind Asylum, six thousand dollars, and interest thereon from

Preamble.

July 12, 1854, to February 1, 1873, amounting to seven thousand seven hundred and nineteen dollars and six cents; making the total due from the State to the sinking Fund, thirty-five thousand six hundred and thirty-one dollars and seventy-three cents.

AND WHEREAS, There are in the hands of the Auditor, Treasurer and Secretary of State, for the use and benefit of said Sinking Fund certain bills receivable, to-wit: Five notes of ten thousand dollars each, made by J. L. Bradley and Samuel H. Patterson, which notes are payable in one, two, three, four and five years from the 30 day of April, 1872, with six per cent. interest, amounting in the aggregate, for principal and interest thereon to February 1, 1873, to fifty-two thousand two hundred and fifty dollars.

AND WHEREAS, There is in the possession and keeping of the Auditor of State the sum of four thousand four hundred and forty dollars and forty cents, belonging to said Sinking Fund.

AND WHEREAS, The remaining assets of the said Sinking Fund are invested in loans and mortgages and current loans, as follows:

NO.	FORFEITURES.	AMOUNT.
2359	Charles McCarty, Brown County	\$ 452 20
...	Hiram Prather, Jennings County, in suit.....	500 00
1521	James J. Sering, Jefferson County.....	261 60
1492	William B. Stapp, Jefferson County	547 88
1170	Milton Stapp, Jefferson County.....	1,354 45
1105	Michael G. Bright, Jefferson County.....	4,128 23
2295	Nicholas Ruckle, Jefferson County	127 22
1783	Thomas J. Goodman, Jefferson County.....	320 00
1	James Siddell, Jefferson County.....	605 00
905	Gaddis and Chambers, Jefferson County	717 22
2636	William A. Cullen, Jasper County... ..	612 21
1509	William Quarles, Jasper County... ..	697 72
1773	William Dorsey, Jasper County.....	785 84
2061	John F. Bayard, Knox County	474 12
3021	Isaac Butler, Marshall County	368 41
2182	Erastus Burch, Porter County.....	575 50
2016	Thomas Miller, Porter County.....	549 25
1860	David McCallister, Porter County	543 11
1878	John Bruner, Porter County	705 00
2208	Luthur Lucas, Pulaski County... ..	372 47
1700	Miles Jordon, Pulaski County.....	607 00
1646	Andrew Pigg, Pulaski County... ..	551 55
2037	William M. C. Blake, Pulaski County.....	650 00
2876	Nathan Wheeler, Pulaski County.....	376 81
1923	Samuel H. Griffith, Pulaski County.....	224 37
2207	Christopher Michael, Pulaski County	446 10
2212	John Ebert, Pulaski County	156 76
1954	George Wood, Pulaski County....	610 60
2546	Charles Seeley, St. Joseph County.....	544 45
3367	Priscilla H. Drake, St. Joseph County	561 10

114 John Rogers, Tippecanoe County	53 421
Total Forfeitures.....	\$19,959 73

CURRENT LOANS.

Sarah A. Vail, Marshall County.....	560 85
G. W. McConnell, Steuben County.....	403 90
W. W. Sickles, Marion County.....	100 00
Total.....	\$21,024 53

Making the total remaining assets of the Sinking Fund as follows:

Due from the State:

Thirty-five thousand six hundred and thirty-one dollars and seventy-three cents.

Bills receivable and interest thereon:

Fifty-two thousand two hundred and fifty dollars.

Cash in the hands of Auditor:

Four thousand four hundred and forty dollars and forty cents.

Mortgage and current loans:

Twenty-one thousand and twenty-four dollars and fifty-three cents.

Total of Sinking Fund, assets remaining:

One hundred and twelve thousand eight hundred and forty-one dollars and forty-eight cents.

AND WHEREAS, There is now due by the Treasury of the State to the Saline Fund: being the amount of said fund in the Treasury, the sum of four thousand four hundred and thirty-one dollars and forty-five cents and Saline fund mortgage loans, to the amount of seventeen hundred and eighty dollars, to-wit:

No. 161, by John Parker, four hundred dollars.

No. 357, by William Enus, two hundred dollars.

No. 183, by Martin R. Green, five hundred dollars.

No. 364, by William McGee, four hundred dollars.

No. 623, by Luther Mellet, two hundred and eighty dollars.

Making a total of Saline Fund, in loans and cash, of six thousand two hundred and eleven dollars and forty-five cents.

AND WHEREAS, There is due by the Treasury of the State to the Bank Tax Fund, being the amount of said fund in the Treasury, the sum of one thousand three hundred and forty-seven dollars and ninety-four cents, and also mortgage loan 278 to Rice and Narl amounting to three hundred and ninety-seven dollars, making the total Bank Tax Fund one thousand seven hundred and forty-four dollars and ninety-four cents.

AND WHEREAS, There is due by the Treasury of the State to the Swamp Land Fund, being the amount of said fund now in the Treasury, the sum of thirty-eight thousand two hundred and three dollars and eighty-two cents.

AND WHEREAS, There is due by the Treasury of the State to the fund from estates, without heirs, being the amount of said fund now in the Treasury, the sum of seventeen thousand and sixty-six dollars and fifty-five cents, making in aggregate with the Saline Fund, Bank Tax Fund, and Swamp Land Fund, the sum of sixty-three thousand two hundred and twenty-six dollars and seventy-six cents.

AND WHEREAS, All of the aforesaid funds, mortgages, loans and bills receivable amounting in the aggregate to the sum of one hundred and seventy-six thousand five hundred and seventy-three dollars and forty-two cents, belong to and are a part of the Common School Fund for the benefit of the common schools of the State. Therefore for the purpose of simplifying and consolidating the securities and accounts of said School Fund:

Gov., Aud. and Treas. of State to issue non-negotiable bond, to be attested by Secy. of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the entire aggregate of the foregoing enumerated sums amounting to one hundred and seventy-six thousand five hundred and seventy-three dollars and forty-two cents, the Governor, Auditor and Treasurer of State shall execute in their official capacity, a non-negotiable bond bearing date, with six per cent. interest thereon from date to be attested by the Secretary of State. Said bond in all respects and in the disposition of the interest to accrue thereon to accord with the terms and conditions of similar bonds heretofore issued in conformity to law.

State shall assume and become owner of bonds, &c.

SEC. 2. Upon the execution of said non-negotiable bond the State shall assume and become the owner of the hereinbefore enumerated cash mortgage loans, forfeitures and bills receivable, and it shall be the duty of the Auditor and Treasurer of State to cause proper entries to be made in their respective books, explanatory of the various items enumerated in the preamble to this act and of the disposition which shall be made of the same in compliance with the terms of this act.

Aud. and Treas. of State to cause certain entries to be made in their books.

Aud. of State shall pay into State Treasury certain amts. of money which shall be placed to certain accounts.

SEC. 3. The Auditor of State shall pay into the Treasury of the State, the four thousand four hundred and forty dollars and forty-two cents mentioned in the preamble to this act, which shall be placed to the credit of the General fund of the State, and the said Auditor shall also pay into the Treasury the further sum of two thousand seven hundred and

thirty-three dollars twenty-six cents, which shall be placed to the account of excess of bids, the same to be retained in the Treasury for the benefit of the persons entitled thereto by law to whom it shall be paid upon the warrant of Auditor of State upon proper application therefor; and the Auditor of State shall surrender to the Treasurer of State, all the bills receivable mortgage loans and forfeitures, herein enumerated, together with all books and papers therewith connected and necessary to the sale or safety, collection or settlement of said indebtedness or forfeitures.

Sums so paid into Treasury to be retained for persons entitled to same, to be paid out on warrant of Aud. of State to surrender to Treas. of State certain bills, books, &c.

SEC. 4. All the property in the mortgage loans and forfeitures herein enumerated, is hereby directed to be sold, on such terms, in such manner, and at such times, not later than the first of January, 1874, as the Governor, Auditor and Treasurer of the State shall deem for the public interest, and the money arising therefrom shall be placed to the credit of the general fund of the State, and the Treasurer of State is hereby clothed with the power and authority to execute all such conveyances as may become necessary in the sale of property herein enumerated.

Property herein enumerated to be sold as Gov., Aud. and Treas. of State shall deem for best interest and proceeds placed to credit of gen. fund.

Treas. of State to execute conveyance.

SEC. 5. No suit or other proceeding commenced by the Board of Sinking Fund Commissioners, or by the Auditor of State and pending, shall abate by reason of anything in this act, but the same shall be continued in the discretion of the Treasurer of State, in the name of the State of Indiana on the relation of the Treasurer of State.

Certain suits commenced not to abate but may be continued.

SEC. 6. In further consideration of the execution of the non-negotiable bond prescribed and directed to be issued by the first section of this act, the two safes now in the office of the Auditor of State, the property of the Sinking Fund are hereby transferred to the State together with any and all remaining unadjusted assets of said Sinking Fund, whether herein enumerated or not, and the Governor, Auditor and Treasurer of State are hereby authorized and required to make such disposition of said safes and other property as shall by them be deemed for the public interest, and any proceeds arising therefrom shall be paid into the Treasury to the credit of the General Fund of the State.

Safes, the property of Sinking Fund to be transferred to State with other property, to be disposed of by Gov., Aud. and Treas. of State and proceeds thereof paid into Treasury.

SEC. 7. That an act entitled, An act to provide for the custody and management of the notes, bonds and mortgages arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners, to continue in force all laws or parts of laws in force on the 20 day of January, 1867, which are applicable to said loans and the securities therefor; to clothe the Auditor of State with the powers, and subject him to the duties in relation to said loans and securities therefor, which by said laws are vested in, or imposed upon said Board of Sinking Fund

Act repealed.

Commissioners; to provide for the incidental expenses of the management of said loans and securities, including clerk hire, and for the mode and period of the payment of such allowance for expenses; substituting the seal of the Auditor of State for that of the Board of Sinking Fund Commissioners, and declaring an emergency for the immediate taking effect of this act, and providing for the Auditor of State to execute bond and payment of all moneys into the State Treasury,

Approved March 11, 1867, be and the the same is hereby repealed.

Emergency.

SEC. 8. An emergency is hereby declared to exist for the immediate taking effect of this act, therefore it shall be in force from and after its passage.

CHAPTER XIII.

AN ACT to amend the fifteenth section of an act entitled "An act prescribing the manner of compelling officers to give new bonds and additional sureties," approved May 31, 1852.

[APPROVED MARCH 8, 1873.]

Sec. 15. amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section fifteen of an act entitled "An act prescribing the manner of compelling officers to give new bonds and additional sureties," approved May 31st, 1852, be and the same is hereby amended to read as follows:

Sec. 15 as amended, Board of Commissioners shall examine official bonds.

"The Board of Commissioners of such County shall examine all the official bonds, filed in the office of the Clerk of the Circuit Court, and in the office of the Auditor of such County and also the bond of such clerk, and if the penalty of any such bond is inadequate, or the sureties thereof are insufficient, or have removed from the State, except in case of the bond of such clerk, such Board shall direct such Clerk, to cause the necessary proceedings to be had as herein provided to procure new bond or additional sureties. And in case of such Clerks bond, such Board shall cause the Auditor of such County to institute such proceedings, and in case such clerk or Auditor fail to comply with such order of such Board, they shall be liable on their bonds, for any damage occasioned by such neglect growing out of any malfeasance or nonfeasance or default in

Board shall direct Clerk to cause proceedings to be had to procure new bonds. In case of clerks bond Aud. to institute proceedings Clerk and Aud., when to be liable on bond.

office of the officers complained against. Such board may at any time institute such examination of its own motion as to the bond of any such officer or may make such examination on petition of any tax-payer.”

Board may institute examination on its own motion.

SEC. 2. An emergency existing for the immediate taking effect of this act, the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER XIV.

AN ACT to authorize and empower Boards of County Commissioners to equalize local county bounty to soldiers, to issue bonds or orders therefor, to levy and collect taxes for the redemption of such bonds or orders declaring how such taxes may be collected, when such bonds or orders shall be issued, the time when they shall be paid, the rate of interest thereon and legalizing such as have been issued and declaring an emergency.

[APPROVED FEBRUARY 26, 1873.]

WHEREAS, The Board of Commissioners of certain counties of this State have heretofore made provisions to pay certain bounties to certain soldiers of such counties, and a portion of such soldiers have received such bounties to the exclusion of others who enlisted and were accredited to the same county and were equally entitled to and deserving of such bounty therefore, for the purpose of equalizing the bounties to the soldiers of such counties.

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Boards of Commissioners of each County of this State in which by popular ballot the people have heretofore declared in favor of the payment of a bounty to such of the soldiers of said county as enlisted and entered the service of the United States for the term of three years or during the war of the late rebellion and were duly accredited to said county, are hereby authorized and empowered to issue bonds or orders to such of said soldiers as have been honorably discharged from said service, and to the legal representatives of such soldiers who so enlisted and were accredited as above, and who were killed or died while in said service and to the legal representatives of such of said soldiers as have died since

Board of Commissioners of certain counties authorized to issue bonds or orders to certain soldiers or their representatives.

What soldiers entitled to bonds or orders

Amount of
bond or order
to be issued.

their discharge from said service for one hundred dollars less the amount already received as bounty from such county by said soldier, his heirs, or representatives on account of such enlistment and credit.

When bonds or
orders are to be
issued and made
payable.

SEC. 2. Such bonds or orders shall be issued by said Board at their next regular meeting after the filing and proof of the claim for such bounty, and shall be made payable within at least eighteen months after the date thereof, and shall bear six per cent. interest from the date thereof, *Provided, however*, that nothing in this act shall be so construed as to prohibit the payment of bonds or orders heretofore issued by such boards of commissioners in accordance with the provisions of any other decree or act, but such bonds or orders are hereby ratified, affirmed, legalized and made valid.

Rate of interest
bonds or orders
shall bear.
Provided nothing
in this act
to prohibit
payment of
bonds hereto-
fore issued, &c.

Provided, further, That the provisions of this act shall apply only to counties in which the commissioners under instructions by popular ballot have actually heretofore prepared bonds for the whole or a part of the persons to be benefited by this act, within their county, and where such bonds were afterwards destroyed, before delivery to the parties for whom they were intended; *and provided further*, that the provisions of this act shall not apply to any county which shall have fully paid such bounties to all soldiers filling the quota of such county according to the terms of the order of the Board of Commissioners allowing such bounties before the passage of this act.

To what coun-
ties this act
shall apply.

SEC. 3. The Board of Commissioners of such counties are hereby authorized and empowered to make an assessment and levy of taxes and provide such other ways and means for the payment and redemption of such bonds and orders as said board may deem just and advisable, such taxes to be collected at the same time and in the same manner that other taxes are collected.

County Com-
missioners
authorized to
make an assess-
ment and levy a
tax to pay
bonds and
orders.

How taxes are
to be collected.

Emergency.

SEC. 4. Whereas great injustice has been done and partiality shown to the noble defenders of our country in her late peril, in certain counties in this State, it is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage.

CHAPTER XV.

AN ACT to authorize the county commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal running in, through, or along any such county.

[APPROVED FEBRUARY 14, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the board of commissioners of any county in this State, in, through or along, or by which passes any canal, which is now used for the purpose of navigation, to appropriate out of the County Treasury any amount of money not exceeding ten thousand dollars in any one year to aid in putting or keeping in repair any such canal for the purposes of navigation; *Provided,* that any such money so appropriated shall be used for such purposes only within the counties making such appropriation.

Board of Commissioners may make appropriations for putting and keeping canal in repair for purposes of navigation.

Money to be used within county making appropriation.

SEC. 2. It shall be the duty of the commissioners in all counties making appropriations to draw an order on the County Treasurer, in such county, to pay the superintendent or agent whose duty it may be to keep in repair said canal, upon his making a proper showing that an amount of work and labor or materials furnished has been done to cover the amount of money demanded, giving a proper voucher for the same.

How, when and to whom, and upon what vouchers, money appropriated shall be paid.

SEC. 3. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Emergency.

CHAPTER XVI.

AN ACT to amend section fifty-three (53) of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing the powers and rights, and the manner in which they shall exercise the same, and regulating such other matters as properly pertain thereto," approved March 14th, 1867, and declaring an emergency.

[APPROVED MARCH 10, 1873.]

Sec. 53 amended

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section fifty-three of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, be and the same is hereby amended to read as follows, to-wit:

Com. Council shall have control of finance and property.

By-laws and ordinances.
Com. Council shall have power to enforce ordinances.
Hand organs, &c.

"They shall have the management and control of the finances of the city, and of all property, real and personal, belonging thereto; and shall have the additional power herein permitted and may make and publish by-laws and ordinances necessary to enforce the same. The common council shall have the power to enforce ordinances:

First, To regulate or prohibit the use of hand organs, or instruments of any annoying character, or other music of itinerant performers, in the streets, lanes, alleys, or public places of the city.

Drains and lots may be filled up where there is stagnant water. Jurisdiction, extent of.

Second, To fill up or drain any lot or parcel of ground within such city, or within two miles thereof, whenever water has or may become so stagnant and noxious as to be, in the opinion of such council, a nuisance, and injurious to the health or comfort of such city or any part thereof, at the expense of the owner thereof, under such reasonable regulations as the common council shall prescribe; *Provided, however,* that not to exceed ten per cent. of the value of such lot or land, as the same is valued and assessed upon the tax duplicate, for city purposes shall be expended in filling up, or draining the same in any one year.

Amt. to be expended in filling up drains shall not exceed, &c.

Firearms, fireworks, &c.

Third, To prevent or regulate the use of firearms, fireworks, or other things or practice tending to endanger persons or property.

Tallow chandeliers, soap factories, &c.

Fourth To direct the location of tallow chandeliers, soap factories, and other buildings or structures, and to prohibit

the erection of such buildings, or the continuance of noxious trades or business therein, whenever the health or welfare of the city shall require the same, and for that purpose shall have jurisdiction two miles in every direction from the city limits.

Extent of Jurisdiction.

Fifth, To establish cemeteries or burial places within or without such city, and to provide for the sanctity of the dead, and to prohibit interments except in cemeteries heretofore established by law.

Cemeteries.

Sixth, To establish quarantine regulations.

Quarantine regulations.
Peace, good order, vice, &c.

Seventh, To preserve peace and good order, prevent vice and immorality, and quell riots and disorderly assemblages.

Eighth, To establish and regulate the police of the city, and may in their discretion authorize the mayor or a board of police to be selected by the common council, to make all appointments of officers and members of such police, and give such mayor or board of police full power to remove from office any officer or member of such police for neglect of duty, or for other good cause.

Police.

Ninth, To suppress gaming and gaming houses, and houses of illfame, to prohibit and destroy instruments and devices of gaming, and restrain fraudulent practices within the said city.

Gaming, gaming houses and house of illfame.

Tenth, To compel the occupants of any building or out-house, situate upon any real estate in such city, that is filthy or unwholesome, to abate or cleanse the same, and to clean the streets, and alleys, adjoining such property.

Filthy and unwholesome houses.

Eleventh, To direct the location of markets, or slaughter houses, or powder magazines, and to regulate the same, and for that purpose, shall have jurisdiction for two miles in all directions from the city limits.

Markets, slaughter houses and powder magazines.
Jurisdiction, extent of.
Coaches, hacks, drays, &c.

Twelfth, To regulate the use of coaches, hacks, drays, and other vehicles for the transportation of passengers, freight, or other articles, to or from points within the city, for hire or pay.

Thirteenth, To regulate and license all inns, taverns, or other places used or kept for public entertainments; also all shops, or other places, kept for the sale of articles to be used in, and upon the premises.

Inns, taverns, and other places of public entertainment, &c.

Fourteenth, To regulate and restrain all tables, alleys, machines, devices or places of any kind for sports or games, kept for hire or pay, or to prohibit the use of the same, as aforesaid, if deemed expedient, without a license being first obtained therefor; and if deemed necessary, to preserve peace, good order and morality, to prohibit the use of the same, as aforesaid, by the infliction of such penalties as this act will permit to be provided for by ordinance.

Tables, alleys, and other places for sports or games.
License.
Peace, good order morality, &c.

Theatrical exhibitions, shows, &c.

Fifteenth, To regulate and restrain all theatrical and other exhibitions and public shows, for which money is demanded or received, and if deemed expedient to prohibit the same, without a license having been first obtained therefor.

Licence.

Lectures, apparatus and fine arts.

Sixteenth, It is expressly provided that lectures on scientific, historic, benevolent or literary subjects and the apparatus for the elucidation of the same, and specimens of fine arts shall not be deemed within the provisions of this act.

Immoderate riding or driving.

Seventeenth, To prevent immoderate riding or driving, and cause the person guilty of the same to be stopped thereat by any officer of said city.

Encumbering of streets, squares, &c.

Eighteenth, To prevent the encumbering of streets, squares, side-walks and crossings with vehicles, or any other substance or materials whatever interfering with the free use of the same.

Bathing in public waters.

Nineteenth, To regulate the time and place of bathing in the rivers or public waters of said city.

Vagrants mendicants, beggars prostitutes et al

Twentieth, To restrain and punish vagrants, mendicants, street beggars, common prostitutes, and their associates.

Cattle, horses, swine, &c., running at large, and impounding of same.

Twenty-first, To regulate and prohibit the running at large of cattle, horses, swine, fowls, and other animals, and to provide for the impounding, keeping, sale and redemption of the same when found in violation of the ordinance in such case provided.

Unwholesome substance, deposit of same &c Removal of putrid animal and vegetable matter, cost of removal, by whom paid.

Twenty-second, To prevent the deposit of any unwholesome substance within the city limits, and punish persons guilty of the same, and to remove or destroy putrid animal or vegetable matter, the common council shall have the right to collect the expenses of removing any such unwholesome substance, putrid animal or vegetable matter, from the person found guilty of a violation of the provisions of the ordinance of such city in relation thereto, with ten per cent. damages thereon, and costs of suit therein, if the person occupying the premises fail to do so upon notice given, the common council shall have the power to remove such putrid animal or vegetable matter.

Damages and costs.

Ringling of bells peddling, &c.

Twenty-third, To regulate the ringing of bells and crying of goods and to restrain hawking and peddling.

Persons having infectious diseases, &c.

Twenty-fourth, To remove or confine persons having infectious or pestilential diseases.

Bills of mortality.

Twenty-fifth, To regulate the keeping of bills of mortality and to provide penalties for the neglect of any person in violation of the same.

Water works and drainage.

Twenty-sixth, To construct and establish works for furnishing the city with wholesome water, and for the purpose of drainage of such city may go beyond the city limits

and condemn lands and materials and exercise full jurisdiction, and all the necessary power therefor, or the common council may authorize any incorporated company or association to construct such works, and in such case the city may become part stockholder in any such company or association.

Condemning of lands, &c.
Jurisdiction.
Incorporated Co. may be authorized to construct such works, and city may become stockholder.
Public pounds.

Twenty-seventh, To establish and regulate public pounds.

Twenty-eighth, To construct and establish gas works, or to regulate the establishment thereof by individuals or companies, or to regulate the lighting of streets, public grounds and buildings, and to provide by ordinance, what part, if any, of the expense of lighting any street or alley shall be paid by the owners of lots fronting thereon, and in what manner the same shall be assessed and collected, and to make the same a lien upon real estate.

Gas works,
lighting of streets, &c.,
payment for.

Twenty-ninth, To regulate the management of all public property, markets and market spaces, and sales of meats, fish and vegetables, to prevent by ordinance the offense of regrating and forestalling; to appoint market masters, and invest them with power to make arrests for the violation of city ordinances in their view, and to make councilman and all other city officers, conservators of the peace within such city, with power to arrest in like manner.

Public property
markets, &c.,
management of.

Market masters
powers of &c.

Thirtieth, To regulate and protect fire engines, hose, hook and ladders.

Fire engines, &c

Thirty-first, To regulate the selling, weighing and measuring of hay, wood and coal, and other article.

Hay, wood, &c.,
selling weighing
and measuring
of.

Thirty-second, To organize a board of public improvements, and empower such board to grant permits to build houses or additions thereto, and prevent the erection of wooden buildings in such parts of the city as the common council may determine; to condemn any building or structure liable to fall and endanger life or property, and provide for the removal and taking down of the same, to take from all persons to whom such permit is granted, or with whom the city shall contract for any improvement liable to endanger persons or property, a bond with sufficient sureties, conditioned that the owners or contractors shall pay all damages that may be sustained by any person or persons by reason of any carelessness or negligence in the manner of making such improvements and property from injuries thereby.

Board of public
improvements,
powers of.

Condemnation
and tearing
down of build-
ings, &c.

Bond of con-
tractors taking
down buildings.

Thirty-third, To erect and establish market houses and market places, engine houses, houses of refuge, pest houses and hospitals.

Market houses,
engine houses,
house of refuge,
pest houses, &c.

Thirty-fourth, To establish and construct wharves, docks, piers and basins, and to regulate landing places, and fix the rates of landing, wharfage, and dockage on all public grounds belonging to such city. All claims for landing,

Wharves, docks
piers and basins
rates of wharf-
age, &c.

- Lien.** wharfage and dockage, accruing to said city, shall be a lien upon the boat, vessel or water craft contracting the same, and after a demand made by the wharf master upon the owner or master, clerk or consignee thereof, and refusal of
- Lien, how enforced.** payment, may be enforced by attachment before the mayor of said city, where the amount does not exceed one hundred dollars, in the same manner, and to the same extent that liens on boat and other water craft are now enforced under the general laws of this State, and all the proceedings shall be conformable as far as practicable, and the
- Sea walls, construction of.** common council shall have power to compel property owners, owning any lots or parts of lots, or lands bordering on any navigable stream, basin, or harbor, made so by nature or artificial means, to build and construct sea walls for the protection of the banks thereof, in such manner as the common council by ordinance shall prescribe; *Provided* such navigable water, harbor or basin, shall have been improved and used therefor, and for landing further up or beyond, and it is deemed necessary to protect the banks of said stream, harbor or basin, along any such lot
- Common council may authorize construction of sea walls.** or part of a lot by sea walls or otherwise, and upon the failure of such property owners to make such sea walls as shall be prescribed by such common council, the common council are hereby empowered to cause such sea walls to be built by contract, let to the lowest bidder, and the cost of constructing the same shall be a lien upon the property bordering upon such harbors, navigable streams or basins, or deemed benefitted by such improvement, and the lien of the city shall be enforced in the same manner as provided now by law for the enforcement of liens for the improvement of streets and sidewalks;
- Lien for construction of sea walls.** *Provided*, That thirty days notice of the improvement to be made, and the manner thereof shall be given to resident property owners by notice served by the city marshal, and by publication in the corporation newspaper four weeks to non-resident property owners;
- Notice of such improvement to be given.** *Provided*, That the owners of property affected shall have the same remedies by injunction and appeal that is now given by section seventy-one (71) of the said act hereby amended; and provided further, that four weeks' notice by publication in the corporation newspaper shall be given by the common council of their intention to pass such ordinances.
- Remedies of property holders by injunction.** *Thirty-Fifth*, To establish a board of health, and to invest it with the necessary power to attain its object.
- Board of health** *Thirty-Sixth*, To establish stands for hackney coaches, cabs, and omnibusses; to enforce the observance and use thereof, and fix the rate and prices for transportation of persons and property from one part of the city to another.
- Stands for coaches, cabs, &c., and price for transportation.**

Thirty-Seventh, To regulate or prohibit runners at wharves, steamboat landings, and railroad depots and stations, and other places.

Runners at wharves, landings, depots, &c

Thirty-Eighth, To regulate the sale of all kinds of property at auction in the streets, stores, shops, or elsewhere in the city, and to license auctioneers, and require them to pay a reasonable per cent. on the amount of sales.

Auction, sale of property at.

Thirty-Ninth, To regulate the speed of horses, carriages, locomotives, and other vehicles within the city.

Speed of horses carriages and locomotives.

Fortieth, To regulate all bridges, culverts, sewers, canal or draw bridges, and the location thereof, and to maintain, regulate, and collect tolls on any plank road heretofore built and abandoned by the owners in any such city.

Bridges, culverts sewers, &c

Forty-First, To regulate the building of party walls and partition fences within the limits of said city, and prescribe by ordinance in what proportion the adjoining owners shall bear the expense of the same, and in what manner such expenses shall be levied and collected, and define the terms upon which partition walls and fences already constructed may be used by adjoining owners.

Party walls, building of.

Forty-Second, To regulate the speed of railroad trains through the city; and also provide by ordinance for security of citizens and others from the running of trains through any city, and to require railroad corporations to observe the same, and also to require such corporations to keep clean the gutters and crossings of the street along which their railways pass.

Railroad trains, speed of.

Gutters and crossings, cleaning of by R. R. corporations.

Forty-Third, To construct and regulate sewers, drains, and cisterns, and provide for the payment of the cost of constructing the same; to cause the same to be done by contracts given to the best bidder after advertising to receive proposals therefor; to provide for the estimate of the cost thereof and the assessment of the same upon the owners of such lots and lands as may be benefited thereby in such equitable proportion as the common council may deem just, which estimate shall be a lien upon such lots and lands, and may be enforced by sale of the same, in such manner as the common council may provide: *Provided however*, that not to exceed ten per cent. of the value of such lots of [or] lands, as the same is valued and assessed upon the tax duplicate for State and county or city taxes shall be assessed against such lot or lands in any one year.

Sewers, drains, and cisterns, construction of.

Assessments for cost of construction of sewers &c., and collection of.

Amount of assessment shall not exceed, &c.

Forty-fourth, To erect a prison or prisons within the limits of such city, and it shall be lawful to imprison therein persons convicted of offenses against the laws of such incorporation, or for offenses against the penal laws of this State, and also persons charged with offenses punishable by indictment or presentment, temporarily, until

City prison and imprisonment of persons therein.

County jails
may be used.

Purchase of real
estate for pub-
lic buildings,
parks, &c., and
government of.

Property may
be purchased
outside of city.

Conveyances
heretofore made
of property ly-
ing out of city
legalized.

Shade trees,
planting of, &c.

Com. Council
may sell public
square or land-
ing on petition.

Mayor to con-
vey property
sold and money
to be deposited
in treasury and
how expended.

School trustees
to make report.

Exemption of
property from
sale for street
improvements.

Contempts in
council room,
punishment for.

Surface drain-
age of real es-
tate in city.

Emergency.

they can conveniently be removed to the county jails; so far as the same may be applicable, the laws governing county jails shall be the laws of such city prison, and in all cases where the county jails are convenient, may be used for city purposes until a city prison shall be erected.

Forty-fifth, To purchase, hold or convey real estate for the purpose of constructing public buildings thereon, or using the same for public parks or other public purpose, and if designed for a public park, cemeteries, water works or fairs, such real estate may be purchased and held by such city, although lying without the limits of the corporation, and such city may, by ordinance, provide for the protection thereof, and for the manner in which and the person by whom the same may be used and occupied, and any conveyance heretofore made of real estate by any such city, for any of the purposes aforesaid, lying without the limits of such city, is hereby legalized and confirmed.

Forty-six, To regulate the planting, maintaining and protection of shade trees along the streets, and in public grounds, and to compel the owners of lots bordering on any street, or part thereof, to plant, maintain and protect such trees, and on failure so to do, to cause the same to be done, and the expense thereof shall be a lien on such property and collected in the same manner as street improvements.

Forty-seventh, The common council of any city may, upon the petition of a majority of the legal voters of such city, sell any public square, or public landing of such city or part thereof, and convey the same by deed under the hand of the mayor and seal of such city, and any moneys arising from any such sale shall be deposited in the treasury of such city to be expended in the purchase of any other public square or public landing and for the improvement of the same.

Forty-eighth, To compel the city school trustee or trustees to make a report to the common council.

Forty-ninth, To exempt an amount of real property owned by any resident house holder of such city, not exceeding three hundred dollars in value, from sale for street improvements.

Fiftieth, To punish contempts and contemptuous and disorderly demeanor in the council room.

Fifty-first, To provide on what terms real estate in such city may be drained by means of surface or under drains over and across other real estate therein.

Whereas, An emergency exists for the immediate taking effect of this act, the same is hereby declared to be in force from and after its passage.

CHAPTER XVII.

AN ACT to amend section fifty-eight (58) of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867, and declaring it an emergency.

[APPROVED MARCH 7, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section fifty-eight of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867, be and the same is hereby amended to read as follows:

Sec. 58 amended

"SEC. 58. The Common Council shall have power to levy and cause to be assessed and collected in each year, an ad valorem tax of not more than one per centum for general purposes, on all property subject to State and county taxation within such city, and also upon the stocks of all free banks, insurance companies, and other joint stock companies, doing business within such city. The said tax to be assessed and levied upon the stock of each individual shareholder of said companies and banks, whether such shareholder reside within such city or elsewhere. The cities and incorporated towns through or into which a railroad may pass, may assess any railroad building, fixtures and machinery connected therewith, within the city or town limits, on the same basis and the same manner that the like property of natural persons is assessed, and collect the taxes thereon as other taxes are collected; but the rolling machinery used in operating the road shall be deemed to be embodied in the taxes by the mile.

Sec. 58 as amended. Com. Council shall have power to levy and cause to be collected, what amount of tax for general purposes and on what property.

Railroad buildings, &c., may be taxed.

Rolling machinery.

Tax on omnibuses, &c.

Tax on dog.

Tax on bitch.

Poll tax.

And also a specific tax on omnibusses, or any carriages and other vehicles used, and run for passengers for hire, unless the same be licensed; and on each dog owned by any resident of such city, of not more than two dollars; and on each bitch, owned by any resident of such city, of not more than five dollars; and also a poll tax not exceeding fifty cents on every male inhabitant, sane, and not a pauper, of the age of twenty-one years, and not exceeding

Incorporated city having a population exceeding 20,000 may levy what amt. of tax for general purposes.

Certain notes, bonds &c., to be exempt from taxation.

Additional tax to pay interest on public debt of city.

Emergency.

fifty years, residing therein; *Provided* that any incorporated city having a population exceeding twenty thousand, shall have power to levy and cause to be assessed, and collected in each year an ad valorem tax of not more than one and one half per centum, for general purposes, on all property within such city returned for taxation by the city assessor, and upon stocks of incorporations as before provided; but notes, bonds, or other evidences of debt which are, or may be, in the hands of any resident of such city as guardian of persons not resident therein, or as executor or administrator of the estate of a person who did not reside therein, and in which such guardian, executor or administrator has no beneficial interest, shall not be subject to taxation by such city.

There may also be levied and collected annually, an additional tax to pay the whole interest of the public debt due from said city.

SEC. 2. It is hereby declared that an emergency exists, for the immediate taking effect of this act, and that it shall be in force and take effect from and after its passage.

CHAPTER XVIII.

AN ACT to amend section sixty (60) of an act entitled "An Act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867.

[APPROVED MARCH 6, 1873.]

Sec. 60 amended

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section sixty (60) of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867, be and the same is hereby amended so as to read as follows, to-wit: "Any incorporated city under this act shall have power to borrow money, to subscribe to the stock of any plank road, Macadamized road, or railroad, running into or through such city, or any bridge company organized under the laws of this or any other State, to construct a bridge across any river or water course, within or bordering on this State,

Sec. 60 as amended. City shall have power to borrow money, &c., to aid in construction of roads, bridges, &c., only on petition of majority of freeholders.

where such bridge has its termini, or either terminus, within such city or to public improvements, or public works, to make donations in money or bonds of such city, to aid in construction of such roads or bridges, or public improvements or public works, only on petition of a majority of the resident freeholders thereof; *Provided*, that said donations shall not be payable either in money or bonds until the roads or bridges or public improvements or public works, in aid of which it is given, shall be so far completed as to admit the running of trains from the point of commencement to such point or points as are designated in the petition, in case of a railroad or railroad bridges, or the passage of wagons in the case of other roads or bridges, and in case of public improvements or public works upon the completion thereof; and when so far completed it shall be obligatory on the common council of said city to contract and do whatever may be necessary, to carry into effect the substantial meaning of such petition, and the obligation herein enjoined may be enforced in the courts of this State having competent jurisdiction, on the application of any signer of such petition, or president of any road or bridge company in behalf of which such donation may have been made, at any time after said petition or petitions have been presented to such common council, and for any debt created in pursuance of the provisions of this section in carrying out the intentions of the petitioners aforesaid, the common council shall add to duplicate of such years thereafter, a levy sufficient to pay the annual interest on such debt or loan with an addition of not less than five cents on the one hundred dollars to create a sinking fund for the liquidation of the principal thereof, which fund with all the increase thereof shall be applied to to the payment of such debt and to no other purpose.

When donations payable.

What Com. Council shall do to carry into effect meaning of petition. Obligation herein enjoined, how enforced.

Levy shall be added to duplicate.

Sinking fund, application of.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER XIX.

AN ACT to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and to purchase any ground and building for school purposes, and to pay debts contracted for such erection and completion, and purchase of buildings and grounds, and authorizing the levy and collection of an additional special school tax for the payment of such bonds.

[APPROVED MARCH 8, 1873.]

When city or incorporated town may issue and sell bonds to build or finish school buildings and purchase ground.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any city or incorporated town in this State which shall by the action of its School Trustee or Trustees have purchased any ground and building or buildings, or may hereafter purchase any ground and building or buildings, or have commenced or may hereafter commence the erection of any building or buildings for school purposes, or which shall have by its School Trustee or Trustees contracted any debts for the erection of such building or buildings, or the purchase of such ground and building or buildings, and such Trustee or Trustees shall not have the necessary means with which to complete such building or buildings, or to pay for the purchase of such ground and building or buildings, or pay such debt, may, on the filing by the School Trustee or Trustees of said city or incorporated town, of a report under oath with the common council of such city, or the Board of Trustees of such incorporated town, showing the estimated or actual cost of any such ground and building or buildings, or the amount required to complete such building or buildings, or purchase such ground and building or buildings, or the amount of such debt,—on the passage of an ordinance authorizing the same by the common council of said city, or the Board of Trustees of such incorporated town, issue the bonds of such city or town to an amount not exceeding in the aggregate *Fifty* thousand dollars, in denominations not less than one hundred nor more than one thousand dollars, and payable at any place that may be designated in the bonds, the principal in not less than one year nor more than twenty years after the date of such bonds, and the interest annually or semi-annually, as may be therein provided, to provide the means with which to complete such building or buildings, or to pay for the purchase of such ground and building or buildings, and to pay such debt; and such common council or Board of Trustees may from time to time negotiate and sell as many of such bonds as may be necessary for such purpose in any place and for the

School trustees to file report under oath with com. council showing what.

Bonds may be issued on passage of ordinance authorizing same.

The amount of bonds shall not exceed 50,000 of denomination of not less than \$100 nor more than \$1,000 each. Bonds, where and when payable. Interest.

Com. Council or board of trustees may negotiate bonds from time to time.

best price that can be obtained therefor in cash; *Provided*, that such bonds shall not be sold at a price less than ninety-four cents on the dollar.

Bonds, for what price to be sold.

SEC. 2. The proceeds of the sales of such bonds shall be paid to the said school trustee or trustees to enable them to erect or complete such building or buildings and pay such debt; but before payment to them such school trustees shall file with the County Auditor a bond payable to the State of Indiana in a sum not less than the full amount of the said money so to be paid to them, and with security to be approved by said Auditor, conditioned for the faithful and honest application of such money to the purpose for which the same was provided, and such trustee or trustees and their surety or sureties, shall be liable to suit on such bond for any waste, misapplication, or loss, of such money in the same manner as now provided for waste or loss of school revenue.

The proceeds of the sale of the bonds to be paid to the school trustees, who shall give bond to be approved by auditor.

Trustees and sureties, liability on bond.

SEC. 3. In addition to the levying the tax by cities or incorporated towns for general purposes now authorized by law, the common council of any such cities and board of trustees of any such incorporated towns, as shall avail themselves of the provisions of this act, are hereby authorized and required to levy annually a special additional tax, at the same time and in the same manner as other taxes of such city or town are levied, sufficient to pay the interest and principal of said bonds falling due, which additional special tax shall be assessed and collected as the taxes for State and county revenue are assessed and collected, and the treasurer of such city or town shall keep accurate accounts of the revenue arising from such special tax, and shall in his reports, when required by the city or town authorities, show the amount thereof received, the amount disbursed, and the amount thereof, if any remaining delinquent; he shall pay out the same only by the authority of the common council of such city or board of trustees of such town, and shall permit the same to be applied to no other purpose than the payment of the principal and interest of such bonds; and official bonds of city and town treasurers, shall be construed to cover and include revenue arising from this source; persons residing outside of any such city or town and electing to be transferred to such town or city for educational purposes, or who shall send their children to the school taught in any such building, shall, with their property be liable to such tax as if they resided in such city or town, on all property owned by said person in the township where such city or town is located; *Provided, always*, that the additional special tax hereby authorized, shall not in any one year, exceed fifty cents on each one hundred dollars of taxable property, and one dollar on each poll.

Special tax shall be levied and collected to pay interest and principal on bonds falling due.

Such special taxes, how collected, and duties of treasurer in relation to the same.

Money, how paid out and applied.

Persons transferred for educational purposes or sending children to school in city or town to be taxed with their property.

Amount of special tax shall not exceed what.

Bonds issued, contracts made &c. pursuant to Oct. 1867 and 1869 relating to subject of this act legalized, &c.

SEC. 4. All bonds issued, contracts made, and debts created pursuant to the acts of March 11, 1867, and May 15, 1869, relating to the same subject as this act, are hereby legalized and declared valid, and the taxes to pay any such bonds, contracts or debts, and the interest thereon, shall be assessed and collected in accordance with this act.

Emergency.

SEC. 5. An emergency existing for the immediate taking effect of this act; it shall be in force from and after its passage.

CHAPTER XX.

AN ACT authorizing and empowering cities incorporated under any general law of this State for the incorporation of cities and owning real estate to sell and convey the same in whole or in parcels, as the Common Council of such city or cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency.

[APPROVED MARCH 7, 1873.]

Cities may alien and sell real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any city or cities incorporated under any general law of this State for the incorporation of cities and owning real estate shall have power to alien, sell, and convey such real estate in whole or in parcels, as the Common Councils of such city or cities may deem expedient.

How alienation, sale, and conveyance made.

SEC. 2. Such alienation, sale and conveyance shall be made by the Common Council of such city or cities by a vote of two-thirds of all the members of such Common Council. When any alienation and sale shall be made by such Common Council, they shall order and direct the Mayor of such city to execute and deliver a deed of conveyance to the purchaser, which shall be in the usual form and shall be executed in the name of such city and signed by the Mayor in his official capacity and sealed with the seal of the city, and when thus executed, acknowledged, and delivered; shall convey all the right, title, and interest of the city in and to the premises so conveyed.

Mayor shall execute deed, &c.

SEC. 3. No such property shall be sold until the same has been appraised by three disinterested freeholders of such city to be appointed by the Judge of the Circuit Court of the county in which such city may be situated, neither of whom shall be members of the City Council, or officers, or employees of such city. Said appraisers shall be first sworn to make a just and true valuation of such property, and shall return their appraisement in writing to the Mayor or Common Council of such city, and no such property shall be sold for less than the full appraised value thereof.

Property shall be appraised by appraisers appointed by Judges of Cir. Ct.

Appraisers to be sworn and return appraisement to whom.

Property not to be sold for less than appraised value.

SEC. 4. As there is no law now authorizing cities so organized to sell and convey real estate, it is hereby declared that an emergency exists for the immediate taking effect of this act; therefore, the same shall be in force from and after its passage.

Emergency.

CHAPTER XXI.

AN ACT to authorize cities constructing water works to issue bonds, and to dispose of the same in aid of the construction of such water works.

[APPROVED MARCH 7, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Common Council of any city engaged in establishing and constructing Water Works for furnishing such city with wholesome water, may, by a vote of two-thirds of the members of such Council, at any regular or adjourned meeting thereof, issue the bonds of such city, payable at such times as the Common Council may direct, and bearing interest at any rate not exceeding ten per cent., and may negotiate the same upon the best terms they can obtain, not less than ninety-seven cents on the dollar, and the proceeds of such bonds shall be applied only to the construction of said Water Works.

Com. Council of city may issue bonds for construction of water works.

Bonds, when payable.
Rate of interest

SEC. 2. An emergency exists for the taking effect of this act, and the same shall be in force and effect from and after its passage.

Emergency.

CHAPTER XXII

AN ACT authorizing incorporated cities containing a population of fifteen thousand to make loans, and prescribing rules and regulations concerning the borrowing of money by such cities.

[APPROVED MARCH 10, 1873.]

Incorporated city of population of 15,000 and over may borrow money in what amount.

For what purposes loans may be made.

City assessor, clerk and trustees shall make affidavit, showing what, to be reported by clerk to council

Com. Council shall cause ordinance to be introduced, which shall be referred to committee. Committee to make report, with recommendation.

Two-thirds vote of Com. Council required to authorize loan. Mayor shall order blank bonds prepared and sign same and deliver to city clerk, and same receipt.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any incorporated city of this State containing a population of fifteen thousand or over, may borrow money to an amount not exceeding two per centum of the taxable property of such city, as the same shall appear upon the tax duplicates of such city for the year in which such loan may be effected; *and provided*, that the entire money borrowed, shall not at any time exceed two per centum of the taxable property of such city.

SEC. 2. That such loans shall be made only for the purpose of procuring money to be used in the legitimate exercise of the corporate powers of such city as the same are prescribed and defined in laws providing for the incorporation and government of cities; *and provided*, that nothing in this act contained shall be in anywise construed as authorizing any city to contract any debt or liability for any other than a legitimate corporate purpose, but such loans may be made to procure money to pay debts already contracted in the due exercise of corporate powers conferred by the laws of the State.

SEC. 3. The City Assessor, City Clerk and City Treasurer, shall before any such bonds are ordered to be issued, join in an affidavit stating therein the total value of the taxable property of such city as shown by the tax duplicate, stating also the fair valuation thereof, which affidavit shall be reported by the City Clerk to the Common Council of such city. The Common Council shall thereupon cause an ordinance to be introduced providing for such loan, and the said ordinance shall be thereupon referred to such committee as the Common Council may deem proper, and said committee of such council, shall, at the next regular meeting of such Common Council report such ordinance to the Common Council with such recommendations as they may deem expedient. If the Common Council determine by a two-thirds vote of all the members thereof to make such loan, which determination shall be evidenced by the passage of such ordinance, the Mayor of such city shall order and direct the requisite number of blank bonds to be prepared, and these he shall sign and deliver to the

City Clerk, taking his receipt therefor, and the City Clerk shall countersign the same and attach the corporate seal thereto, and deliver them to the City Treasurer, and shall take from such Treasurer a receipt for such bonds, and in such receipt shall be particularly described the said bonds as to date, number, amount and time of payment. The bonds so received by such Treasurer shall be by him safely kept, and at the next meeting of the Common Council he shall report the receipt thereof to that body; upon the report of such Treasurer the Common Council may authorize a committee thereof to negotiate a sale of said bonds, of which committee the Treasurer shall be a member, and all moneys received from the sale of such bonds shall be by such Treasurer received and kept to be paid out under [the order] and direction of the Common Council as money derived from other sources are directed by law to be paid out, and such Treasurer shall in a proper book register said bonds, note the day of sale thereof, the moneys realized therefrom and at all times, keep a plain, correct and fair account of such transaction, so that the same may be readily understood, and shall at all times keep the same open and accessible to the public. It shall be the duty of the Treasurer within one week after the negotiation of such bonds, to report the same to the Common Council stating all the particulars of such transaction, which report the said Treasurer shall duly verify by oath or affirmation. The said Treasurer shall faithfully pay over, and account for all moneys by him received from the sale of such bonds.

SEC. 4. The Common Council may provide the rate of interest, not exceeding ten per centum per annum, which said bonds shall bear, and may prescribe the time and manner in which such bonds and interest may be payable; Provided, that no bonds shall be issued payable at a period of more than twenty years; *and provided*, that at no time shall there be outstanding of such bonds an amount in excess of two per centum of the taxable property of such city. The Common Council shall have power to dispose of said bonds as hereinbefore provided, but the same shall in no case be sold at less than par. The Committee of the Common Council appointed to sell said bonds as hereinbefore provided, shall upon the sale thereof report to the Common Council the date of sale, the amount sold for, and the disposition of the proceeds of such sale or sales. The Committee shall cause a publication to be made for such time as they may deem proper, in a newspaper of general circulation, inviting proposals for such bonds, and shall sell the same to the highest and best bidder, provided the same shall not be sold at a less rate than that hereinbefore prescribed.

City clerk shall countersign bonds, attach seal and deliver to city Treas., and take receipt.

City Treas. to keep bonds and report to Com. Council.

Com. Council may authorize committee to negotiate bonds Treas. to be member of committee. Proceeds of sale of bonds, by whom kept, and how paid out.

City Treas. shall keep account of sale of bonds, which shall be open for inspection.

Treas. shall, after negotiation of bonds report to Com. Council.

Treas. shall pay over and account for money. Com. Council may provide rate of interest on bonds and time and manner of payment. Bonds shall not be issued for longer time than twenty years. Amt. of bonds to be issued shall not exceed, &c. Com. Council may dispose of bonds, but the same shall not be sold for less than par. Committee shall report sale of bonds and disposition of proceeds.

Committee shall cause publication of sale of bonds to be made and sell to highest and best bidder for not less, &c.

Emergency.

SEC. 5. Whereas, an emergency exists for the immediate taking effect of this act, it is therefore declared to be in force from and after its passage.

CHAPTER XXIII.

AN ACT to amend the charter of the town of Clinton, granting to the Board of Trustees of said town certain powers, and legalizing certain acts of said President and Trustees of said town.

[APPROVED MARCH 7, 1873.]

Sec. 8 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Section No. 8, of an act to incorporate the town of Clinton, approved February 14th, 1848, be and the same is hereby amended to read as follows:

Sec. 8 as amended. President and trustees shall have power to levy poll tax. Amt. of tax on real and personal property.

Dogs, tax on.

Shows, &c., tax on.

By-laws and ordinances.

Fires, Markets, Nuisances. Attorney, appointment of, &c.

Streets, grading of, and wharves

Streets, alleys, and squares, vacation, change of, &c.

The President and Trustees of said town of Clinton, shall have power to levy and collect annually of each male inhabitant of the said town, subject to pay a county poll tax, any amount not less than fifty cents nor more than one dollar and fifty cents, and on real and personal property a tax not exceeding one-half of one per centum on its valuation, and they may, in their discretion, levy and collect from owners of dogs within the corporate limits of said town a tax of not less than fifty cents nor more than one dollar, and on all shows, exhibitions, or amusements, which may be exhibited for gain within the bounds of said town, not less than one nor more than ten dollars for every exhibition, and the said Board shall have power to pass such laws and ordinances as may be necessary to guard against damage by fire. To regulate and govern the markets. To prevent the erection of public nuisances, and remove the same. To provide for the election or appointment of an attorney for the prosecution of all violators of the laws and ordinances of said town, and for the fees of the same; and generally to enforce by proper penalties, the observance of all laws and ordinances relative to the policy and government of said town; they shall have power to establish, the grade of the streets, to construct wharves, to regulate the manner of the collection of wharfage. To improve and keep in repair the streets and alleys and public squares, and to remove any obstructions from the same. To lay out, vacate, and change the same upon petition and after notice being given by said Board of Trustees, in accord-

ance with such provisions as shall be established by said board therefor; which said provision for the vacation, location, or change of such streets, alleys or public squares, shall be enacted and published as other ordinances of said town are required to be enacted and published. And be it further enacted that

WHEREAS, The said original charter of said town does not provide for the vacation, change or location of streets, and whereas, such change, location and vacation have become necessary, and have been made by said Board of Trustees after petition and notice of twenty days. Therefore, be it further enacted, that the action of the President and Trustees of said town in all such cases be, and the same is hereby legalized.

Action of President and trustees in relation to streets legalized.

SEC. 2. And be it further enacted that Section No. 6 of said charter of the town of Clinton, be and the same is hereby amended to read as follows: Section 6. It shall be the duty of the Inspector and Judges of such election to certify, under their hands and seals, the five persons having received the highest number of votes, which certificates shall be filed and kept on record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the five persons elected, which certificate shall be sufficient authority for such person to take his seat as such trustee. In case there should be a tie between any persons at such election, the result shall be so certified by the said board of election, and thereupon the said Board of Trustees shall order a new election for so many trustees as shall be necessary to make said board complete. The trustees elected as above directed, or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation, faithfully, diligently and impartially, to discharge their duties as trustees, shall elect one of their body to preside as provided in the second section of this act, [and] in case of his absence at any meeting of the board, they shall appoint a president pro tempore. No person shall be eligible to the office of trustee of said town unless he be a qualified elector within said town. Where vacancies occur in said board by death, resignation, refusal to serve, or otherwise, such vacancies shall be filled by appointment of the trustees until the next annual election, a majority of the trustees, including the president, shall at all times form a quorum. They shall meet on their own adjournment, and appoint their officers as provided in the second section of this act.

Sec. 6 amended.

Section 6 as amended. Duties of inspector, judges and clerks of elections.

Certificate of election as trustees.

In case of tie vote new election to be ordered.

Trustees elect, when to meet.

Trustees to take an oath. President of board to be elected.

President pro tempore. Who eligible to office of trustee. Vacancy in board, how filled.

Quorum, meeting and adjournments.

SECTION 3. And be it further enacted that Section No. 17 of the said charter be and the same is hereby amended to read as follows. Section 17. It shall not be lawful for any person within the bounds of the said town of Clinton

Sec. 17 as amended. Not lawful to sell intoxicating liquors without license from trustees.

Cost of such license to sell intoxicating liquors. Penalty for selling intoxicating and other liquors without such license.

Sale of such liquors separate offense.

Emergency.

to sell any spirituous liquors in a less quantity than one quart at a time, or keep what is called a tipling house, unless such person or persons shall, in addition to the license obtained from the board doing county business, obtain a license from the trustees of said town who are hereby authorized to grant the same to such applicant paying into the treasury of the corporation, a sum not less than five nor more than one hundred dollars, and if any person shall sell any spirituous liquors contrary to the provisions of this act, or shall keep a tipling house within the corporate limits of said town without such license, obtained from the Board of Trustees of said town, the person or persons so offending, shall, on conviction therefor, be fined in the sum of twenty-five dollars for the use of said corporation, and such sale of such liquors shall constitute a separate offense.

Sec. 4. Whereas an emergency exists for the immediate taking effect of this act, it shall be in force from and after its passage.

CHAPTER XXIV.

AN ACT to amend an act entitled "An Act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and adding supplemental sections thereto.

[APPROVED MARCH 8, 1873.]

Sec. 5 as amended.

Common council and board of trustees shall elect such trustees.

School trustees, term of office.

Said trustees shall constitute school board.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section five of the above recited act be amended to read as follows, to-wit: Section 5. The Common Council of each city, and the Board of Trustees of each incorporated town of this State, shall, at their first regular meeting in the month of April, elect three school trustees, who shall hold their office, one, two, and three years, respectively, as said trustees shall determine by lot at the time of their organization, and annually thereafter, shall elect one school trustee who shall hold his office for three years. Said trustees shall constitute the school board of the city or town, and before entering upon the

duties of their office, shall take an oath faithfully, to discharge the duties of the same. They shall meet within five days after their election and organize by electing one of their number president, one secretary, and one treasurer.

Said trustees shall take oath. Said trustees shall organize, when and how.

The treasurer, before entering upon the duties of his office shall execute a bond to the acceptance of the county auditor, conditioned as in ordinary official bonds, with at least two sufficient freehold sureties who shall not be members of said board, in a sum not less than double the amount of money which may come into his hands within any one year by virtue of his office. The president and secretary shall each give bond with like sureties to be approved by the the county auditor, in any sum not less than one-third of the treasurer's bond. Said trustees shall receive for their services such compensation as the common council of the city or the board of trustees of the town may deem just; which compensation shall be paid from the special school revenue of the city or town. All vacancies that may occur in said board of school trustees, shall be filled by the common council of the city, or board of trustees of the town.

Treas. of board of trustees shall give bond.

Pres. and Sec'y of board shall give bond.

Compensation of trustees, and out of what fund paid.

Vacancies in said board, how filled.

SEC. 2. That section seven of said act be amended to read as follows, to-wit: Section 7. The school trustees of every township, incorporated town or city, shall receive the special school revenue belonging thereto, and the revenue for tuition which may be apportioned to his township, town, or city, by the State, for tuition or the common schools, and shall pay out the same for the purpose for which such revenues were collected and appropriated. Such trustees shall keep accurate accounts of the receipts and expenditures of such revenues, and shall render to the county commissioners, annually, on the first Monday after the second Tuesday in October, and as much oftener as they may require, a report thereof in writing, for the year then ending. Said board of commissioners shall hold a session on said Monday to receive said reports. They shall clearly and separately state:

Sec. 7 as amended. Trustees shall receive and pay out revenue.

Trustees shall keep account of the receipt and expenditure of school revenue, and report same to county commissioners. County commissioners shall hold meeting to receive said report.

Items to be reported.

First, The amount of special school revenue, and of school revenue for tuition, on hand at the commencement of the year then ending.

Second, The amount of each kind of revenue received within the year, giving the amount of tuition revenue received at each semi-annual apportionment thereof.

Third, The amount of each kind of revenue paid out and expended within the year.

Fourth, The amount of each kind of revenue on hand at the date of said report, to be carried to the now [new] account, and shall, with said report, present and file a detailed account current of the receipts and payments for the year and

Report and account current shall be verified

When county commissioners shall allow said account.

Copy of report shall be filed with county superintendent.

Trustee failing to discharge certain duties, board of commissioners shall cause suit to be instituted against him.

Sec. 12 as amended. Trustees shall have power to levy tax, for what purposes.

Tax so levied shall not exceed what amount.

Tax payer may furnish building material for school house, furniture or fuel in lieu of payment of money.

Building material, &c., to be received at option of trustee. Sec. 14 as amended. Time and manner of making enumeration by trustees.

support the same by proper vouchers, which report and account current shall each be duly verified by affidavit; and when the said county commissioners are satisfied that said report is full, accurate and right, in all respects, and that said account is just and true, they shall allow and pass the same, which shall have the effect to credit the trustee for the expenditures. A copy of said report, as passed and allowed by the county commissioners, shall, within ten days after its date, be filed by the trustee with the county superintendent of the county, and upon failure of the trustee to discharge any of the duties required of him, relative to schools and school revenues, the board of county commissioners shall cause suit to be instituted against him, on his official bond, and, in case of recovery against him, the court rendering the judgment, shall assess upon the amount thereof ten per cent. damages, to be included in said judgment.

SEC. 3. That section twelve of said act be amended to read as follows, to-wit: Section 12. The trustees of the several townships, towns and cities, shall have the power to levy a special tax, in their respective townships, towns, or cities, for the construction, renting or repairing of school houses, providing furniture, school apparatus, and fuel therefor, and for the payment of other necessary expenses of the school, except tuition; but no tax shall exceed the sum of fifty cents on each one hundred dollars worth of taxable property, and one dollar on each poll, in any one year, and the income from said tax shall be denominated the special school revenue; and any tax payer who may choose to pay to the treasurer of the township, town or city wherein said tax payer has property liable to taxation, any amount of money, or furnish building material for the construction of school houses, or furniture, or fuel therefor, shall be entitled to a receipt therefor from the trustee of said township, town or city, which shall exempt such tax payer from any further taxes for said purposes, until the taxes of said tax payer, levied for such purposes, would, if not thus paid, amount to the sum or value of the materials, so furnished, or amount so paid;

Provided, That said building materials, or furniture and fuel, shall be received at the option of said trustee.

SEC. 4. That section fourteen of said act be amended to read as follows, to-wit: Section 14. The trustees of the several townships, towns and cities, shall, between the first of March and the first of May in each year, make an enumeration of the children, white and colored, within their respective townships, towns and cities, between the ages of six and twenty-one years, exclusive of married persons; and in making said enumeration, the trustee

shall distinguish between the white and colored children, enumerating them in separate lists, and shall list the names of parents, guardians, or heads of families, male and female, having charge of such children; and opposite each name, in appropriate columns, he shall enter the whole number of such children in charge of the person so named, specifying particularly, the number of males, the number of females, the number of the school to which such person is attached for school purposes, and the number and initials which designate the congressional township in which such person resides, including in said list an enumeration, the names of such persons as have been transferred to his township, town, or city, from other townships, towns, or cities, and the enumeration of their children, and excluding therefrom the names and number of children of such persons as have been transferred from his township, town, or city, to other townships, towns, or cities, and each township trustee, upon making the first enumeration after the taking effect of this act, shall inquire of each person whose name he so lists, to which school he or she desires to be attached, and such persons, upon making their selection, shall be considered as forming the school district of the school selected, and none shall be allowed thereafter to attach themselves to, or have the privilege of any other school but by the consent of the trustee, for good cause shown; and at subsequent enumerations, the same inquiry shall be made by the trustee of the parent, guardian, or head of family, having charge of children between the ages aforesaid, whose residence has been changed, or whose children have become subject to be enumerated for the first time since the last enumeration; and in case a change in the location of a school in the township has been made since the last enumeration, the trustee shall make the same inquiry of the persons whose school privileges are affected by such change. But such inquiries need not be made by the trustee of incorporated towns and cities when they take their enumerations. The persons listed in each of such towns and cities, shall be considered as forming but single school districts therein, distinct from the townships in which they are situated.

SEC. 5. That section 18 of said act be amended to read as follows, to-wit: Section 18. Each trustee shall, on or before the first day of May, annually, report to and file with the county superintendent of the proper county, a copy of his said list and enumeration, with his affidavit endorsed thereon, to the effect that the same is, to the best of his knowledge and belief, full and accurate, and that the enumeration does not include persons who are less than six nor more than twenty-one years of age.

Township trustees to make certain inquiries at time of taking enumeration. Person to select what school district they desire to be attached to, at the time enumeration is taken, &c.

Persons listed in such town or city shall be considered as forming but a single school district. Sec. 18 as amended. Trustees shall file with county superintendent copy of lists of enumeration with affidavit endorsed thereon.

Sec. 21 as amended.
Trustees shall make report to the county superintendent.
What to be reported.

SEC. 6. That section 21 of said act be amended to read as follows, to-wit: Section. 21. The trustees of each township, town and city, shall annually, on the first day of September, report and furnish to the county superintendent, the statistical information obtained from teachers of the schools, of their respective townships, towns or cities, and embody, in a tabular form, the following additional items: The number of districts, schools taught and their grades, teachers, male and female, average compensation of each grade, balance of tuition revenue on hand at the commencement of the current year; amount received during the year from the county treasurer; and amount expended within the year for tuition, and balance on hand; length of school taught within the year, in days, school houses erected during the year, the cost of the same, the number and kind before erected, and the estimated value thereof, and of all other school property; number volumes in the library, and the number taken out during the year ending, the first day of September, also the number of volumes added thereto; assessment on each one hundred dollars of taxable property, and on each poll of special tax for school house erection, and amount of such levy; balance of special school revenue on hand at the commencement of the current year; amount received during the year from the county treasurer; the amount of said revenue expended during the year, and balance on hand; the number of acres of unsold congressional school lands, the value thereof, and the income therefrom, together with such other information as may be called for by the county superintendent and the superintendent of public instruction.

Sec. 26 as amended.
Voters may hold other school meetings.
Notice of such meetings shall be given, but no such meeting shall be illegal for want of notice in absence of fraud.
Legality of proceedings to be determined by trustee, subject to appeal to county superintendent.
School meeting shall have power to determine what matters.
Tuition revenue to be expended within school year.
Beginning of school year.

SEC. 7. That section 26 be amended to read as follows, to-wit: Section 26. The voters at school meetings may hold other school meetings at any time, upon the call of the director or any five voters. Five days notice shall be given of such meeting, by posting notices in five public places in the vicinity; but no meeting shall be illegal for want of such notice in the absence of fraud; and the legality of such proceedings, if called in question, shall be determined by the trustee of the township, subject to an appeal to the county superintendent, whose decision shall be final. Such school meetings shall have power to determine what branches, in addition to those mentioned, in section 34 of this act, they desire shall be taught in such school, and the time at which such school shall be taught; *Provided, however,* That the tuition revenue apportioned to the school, shall be expended within the school year for which it was apportioned; *and provided further,* that such school year shall begin the first Monday of July.

Such school meetings shall likewise have the power to fill vacancies that may occur in the office of director; to direct such repairs as they may deem necessary in their school house; to petition the township trustee for the removal of their school house to a more convenient location; for the erection of a new one, or the sale of an old one, and the lands belonging thereto, and upon any other subject connected therewith; and at such meetings all tax payers of the district shall be entitled to vote except married women and minors; *Provided*, That nothing herein contained shall prevent the trustee from exercising a sound discretion as to the propriety or expediency of making such repairs, removing or erecting school houses, and the cost thereof.

School meetings shall have power to fill vacancies in office of director and take action in matters relating to school purposes, &c.

Who entitled to vote at such school meetings
 Proviso, discretion of trustee.

SEC. 8. That section 74 of said act be amended to read as follows, to-wit: Section 74. The principal of all moneys, whether belonging to the common school fund, or to the congressional township school fund, received into the county treasury, shall be loaned at eight per cent. per annum, payable annually, in advance, and the interest paid out as prescribed in this act, and not otherwise; and any judgment upon any note or mortgage for any part of said fund, shall bear eight per cent. interest from the date thereof, until the same is paid.

Sec. 74 as amended.
 Rate of interest on money belonging to school fund.

SEC. 9. That section 40 of said act be amended to read as follows, to-wit: Section 40. When any trustee shall neglect to file with the county superintendent an enumeration of the children of the township, town or city as hereinbefore provided, the county superintendent shall immediately, after the first day of May in each year, employ a competent person to take the same, and allow a reasonable compensation for such services, payable from the special school revenue of the township, and shall proceed to recover the same in the name of the State of Indiana, for the use of said revenue of said township, by action against the said trustee in his individual capacity; and in such suit the county superintendent shall be a competent witness.

Sec. 40 as amended.
 When county superintendent may cause enumeration to be made.

SEC. 10. That section 41 of said act be amended to read as follows, to-wit: Section 41. The county superintendent shall, on or before the fifteenth day of May, annually, make out and forward to the State Superintendent, the enumeration of their respective counties with the same particular discrimination required of the trustee. They shall, on or before the fifteenth day of September annually, furnish the statistical information, which trustees are required to report to them in such form as may be prescribed by the Superintendent of Public Instruction. They shall also furnish with such statistical report such additional information embodied in a written report, rela-

Compensation for making such enumeration, to be paid out of what fund, and to be recovered from trustee.
 County superintendent shall be competent witness in such suit.

Sec. 41 as amended.
 County superintendent shall make reports to sup't of public instruction.

On failure of county superintendent to make report of enumeration by 15th of May his county shall be subject to diminution of \$25.00, and on failure to make statistical report to diminution of \$10.00. Sums so withheld may be collected of county superintendent.

Such suit shall be commenced within two years. How county superintendent may discharge himself from such liability.

Sec. 156 as amended. Per diem and mileage of members of said board, other than governor and sup't public instruction, how paid, &c.

Sum so paid to be reimbursed to general fund.

Residue of money received by sup't of pub. inst. for fees, how to be expended. Necessary expenses incurred by board, how paid.

• School trustees of incorporated towns and cities may employ superintendent, his salary, &c.

School trustees of two or more district municipal corporations for school

tive to the condition of the schools, school houses, and the general progress of education, &c., in the county, as the State Superintendent may, from time to time, call for. On failure of any county superintendent to make his report of enumeration by the fifteenth day of May, his county shall be subject to a diminution of \$25; in the next apportionment of school revenue by the State Superintendent, and on failure to make his statistical and other reports by the fifteenth day of September, his county shall be subject to a diminution of ten dollars in the next apportionment; likewise the sum thus withheld may be collected from said county superintendent in a suit before a justice of the peace, prosecuted in the name of the State, by any person living in said county, who has children enumerated for school purposes for the current year, who is aggrieved by said diminution; said suit shall be commenced within two years from the time when said report was due, and not afterwards; *Provided*, That said county superintendent may discharge himself from liability to such suit by a certificate of the postmaster that said report was mailed in due time, together with his own affidavit of that fact.

SEC. 11. That section 156 of said act be amended to read as follows, to-wit: Section 156. The members of said board, other than the Governor and State Superintendent of Public Instruction, shall be entitled to receive for their services, while actually engaged in the duties of their office, five dollars per day, and five cents per mile necessarily traveled while so engaged, which amount shall be certified by the board to the Auditor of State, who shall draw his warrant therefor, payable out of the general fund, which sum shall be reimbursed to the general fund by the treasurer of the board, paying into it that amount out of the money received by him as fees for certificates, and if there is any residue of money received as such fees, it shall be expended by the Superintendent of Public Instruction in the purchase of suitable books for an office library. Said boards shall be allowed the necessary expenses incurred in the discharge of the duties required of the same for clerk hire, postage, &c., which expenses shall be paid as the expenses of the members of the board are paid.

SEC. 12. The school trustees of incorporated towns and cities, shall have power to employ a superintendent for their schools, whose salary shall be paid from the special school revenue, and to prescribe his duties, and to direct in the discharge of the same.

SEC. 13. The school trustee of two or more distinct municipal corporations for school purposes, shall have power to establish joint graded schools or such modifica-

tions of them as may be practicable, and provide for admission into the higher departments of their graded schools from the primary schools of their corporations, such pupils as are sufficiently advanced for such admission. Said trustee shall have the care and management of such graded schools, and they shall select the teachers therefor. They shall have power to purchase suitable grounds for such graded schools and erect suitable buildings thereon, and the title to all such property acquired for such purposes shall vest jointly in the corporations establishing the graded schools.

SEC. 14. All laws and parts of laws inconsistent with this act shall be, and the same are hereby repealed, except the act entitled "An Act providing for a general system of common schools in all cities of thirty thousand or more inhabitants, &c.," approved March 3, 1871, which act shall be in full force and effect in such cities therein provided for.

Repealing clause.

Saving clause.

SEC. 15. Whereas an emergency exists for the immediate taking effect of this act, therefore this act is declared to be in force from and after its passage.

Emergency.

CHAPTER XXV.

AN ACT to amend an act entitled "An Act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and adding supplemental sections thereto.

[APPROVED MARCH 8, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section fifteen of the above entitled act be and the same is hereby repealed.

Sec. 15 repealed

SEC. 2. That section 33 of said act be amended to read as follows, to-wit: Section 33. The township trustees of the several townships shall meet at the office of the county auditor of their respective counties, on the first Monday of June, eighteen hundred and seventy-three,

Sec. 33 as amended. Township trustees shall meet at Auditor's office and elect county superintendent, when,

Co. Sup. shall be citizen of Co. his term of office, shall take oath and file same and also execute bond.

Co. Aud. shall report name and postoffice of Co. Sup't to Sup't Pub. Inst. Co. Com. may dismiss Co. Sup't, for what reasons.

Co. Sup't shall not be dismissed without written notice, which shall state charges, preferred.

Duties of school examiner to be performed by Co. Sup't. Vacancy in office of Co. Sup't. how filled, &c.

Sec. 37 as amended. Co. Sup't shall hold public examinations, how often. Co. Sup't shall not grant license on private examination, and all licenses shall be limited to county. Sec. 39 as amended. Co. Sup't., his Anties.

and biennially thereafter, and appoint a county superintendent, who shall be a citizen of such county, whose official term shall expire as soon as his successor is appointed and qualified, who, before entering upon the duties of his office, shall take and subscribe an oath that he will faithfully perform his duties as such officer according to law, which oath shall be filed with the county auditor, and shall execute a bond, with freehold surety, to the approval of the county auditor, payable to the State of Indiana, in the penal sum of one thousand dollars, conditioned that he will faithfully discharge his duties according to law, and faithfully account for, and pay over to the proper persons all money which may come into his hands by reason of such office, and thereupon, the county auditor shall report the name and postoffice address of the person appointed to the Superintendent of Public Instruction; *Provided, however,* That the board of county commissioners shall have power to dismiss any county superintendent for immorality, incompetency, or general neglect of duty, or for acting as agent for the sale of any text book, school furniture or maps; but no county superintendent shall be dismissed without giving him written notice, under the hand and seal of the auditor, ten days before the first day of the term of the court of commissioners, at which the cause is to be heard, and the said notice shall state the charges preferred against the superintendent, the character of the instrument in which they are preferred, whether petition, complaint or other writing, and in the name of those preferring the same. And the duties required of the school examiner by this act shall hereafter be performed by the county superintendent. Whenever a vacancy shall occur in the office of county superintendent, by death, resignation or removal, the said trustees, on the notice of the county auditor, shall assemble at the office of such auditor and fill such vacancy for the unexpired portion of the term, in the manner herein provided, and the county auditor shall be clerk of such election in all cases, and give the casting vote in case of a tie, and shall keep the record of such election in a book to be kept for that purpose.

SEC. 3. That section 37 of said act be amended to read as follows, to-wit: Section 37. The county superintendent shall hold at least one public examination each month in the year, in his county, and in no case shall he grant a license upon a private examination, and all licenses granted by him, shall be limited to the county in which they are granted.

SEC. 4. That section 39 of said act be amended to read as follows, to-wit: Section 39. The county superintendent shall have the general superintendence of

the schools of his county. He shall attend each township institute at least once in each year, when he shall preside at the same and conduct its exercises. He shall visit each school of the county at least once each year, for the purpose of increasing their usefulness, and elevate as far as practicable, the poorer schools to the standard of the best; he shall encourage teacher's institutes and associations, and shall labor, in every practicable way to elevate the standard of teaching, and to improve the condition of the schools of the county. In all controversies of a general nature, arising under the school law, the opinion of the county superintendent shall first be sought, whence an appeal may be taken to the State superintendent, on a written statement of facts certified to by the county superintendent; *Provided*, That nothing in this act shall be so construed as to change or abridge the jurisdiction of any court in cases arising under the school laws of this State, and the right of any person to bring suit in any court in any case arising under the school laws, shall not be abridged by the provisions of this act. He shall at all times carry out the orders and instructions of the State Board of Education, and the Superintendent of Public Instruction, and shall constitute the medium between the State Superintendent and subordinate school officers and the schools; *Provided*, That city schools having a superintendent employed by their board may, at the request of said board, be exempt from the general superintendence authorized in this section.

SEC. 5. That section 43 of said act be amended to read as follows, to-wit: Section 43. The county superintendent shall receive four dollars for every day actually employed in the discharge of the duties required by this act; but before the county commissioners shall allow his *der diem*, the same shall be presented in a bill of account, stating in separate items the nature and amount of service rendered on each day, for which he claims compensation; which bill of account shall be verified by affidavit to the effect that the same and each item thereof is just and true. The county auditor shall draw his warrant on the county treasurer for the amount allowed by the board in favor of said superintendent, and the treasurer shall pay the said warrant out of the ordinary county revenues; *Provided, however*, That the said board of commissioners shall have power to determine the number of days in each year in which the county superintendent may labor, in the performance of the duties required of him in visiting schools; and *provided further*, the number of days so allowed in each year for visiting schools shall not be less than the whole number of schools in such county over which

He shall attend the institutes.

He shall visit schools.

He shall encourage teachers' institutes.

His opinion in controversies arising under school law.

Appeal to Supt. of Pub. Inst., how taken. Jurisdiction of courts not changed or abridged.

Co. Supt's shall carry out orders of State Board of Education and of Supt. of Pub. Inst.

Co. Supt's shall be medium between whom. City schools, when they may be exempt from superintendence provided in this act. Sec. 43 as amended. Per diem of Co. Supt.

Co. Supt's shall present account verified to Co. Com. before per diem allowance is made.

Per diem allowance of Co. Supt., how paid

Co. Com. to determine number of days Co. Supt's shall labor, provided number of days he shall labor shall not be less than number of schools, &c.

Co. Supt. shall receive no perquisites.

Co. Sup't shall examine dockets, records, &c., of clerks et al officers, how often, and see that fines, &c., are paid to proper fund or revenue.

Co. Sup't shall see that interest on school funds is paid and apportioned, &c.

Official dockets, records, &c., of clerks et al officers shall be open to inspection of Co. Supt.

The Co. Sup't shall cause suit to be instituted against any of said officers, wagen, &c.

Co. Supt. shall make report to Co. Com. and State Supt.

Co. Board of Education to be constituted of whom, and times and place of meeting.

Quorum.

Co. Sup't shall preside at meetings of board and be allowed to vote. Board shall consider what matters.

Text books, change of. Township libraries, management of. Text books adopted shall not be changed unless, &c.

such superintendent has control, and he shall receive no perquisites whatever.

SEC. 6. The county superintendent shall, at least once in each year, and as much oftener as he may deem proper, carefully examine the dockets, records, and accounts of the clerk of the courts, county auditor, county commissioners, justices of the peace, prosecuting attorneys, and mayors of cities, and see that all fines, forfeitures, unclaimed fees, liquor licenses, and surplus dog tax, etc., are promptly collected, reported, and paid over to the proper fund or revenue. He shall see that the full amount of interest on school funds is paid and apportioned, and when there is a deficit of interest on any school fund or a loss of any school fund or revenue by the county, that proper warrants are issued for the reimbursement of the same.

SEC. 7. The official dockets, records, and books of account of the clerks of the courts, county auditor, county commissioners, justices of the peace, prosecuting attorneys, mayors of cities, and township and school trustees, shall be open at all times to the inspection of the county superintendent, and whenever he shall find that any of said officers have neglected or refused to collect and pay over interest, fines, forfeitures, licenses or other claims due the school funds and revenues of the State, or have misapplied the school funds or revenues in their possession, he shall be required to institute suit in the name of the State of Indiana for the recovery of the same, for the benefit of the school fund or revenues, and make report of the same to the board of county commissioners, and to the State Superintendent.

SEC. 8. The county superintendent and the trustees of the townships, and the school trustees of the towns and cities of the county, shall constitute a county board of education. Said board shall meet semi-annually at the office of the county superintendent on the first days of May and September, unless the said days be Sunday; if so, on the day following. A majority of said trustees shall constitute a quorum. The county superintendent shall preside at the meeting of said board, and shall be allowed to vote on all questions, as other members of the same are allowed to vote. Said board shall consider the general wants and needs of the schools and school property, of which they have charge, and all matters relating to the purchase of school furniture, books, maps, charts, etc. The change of text books, except in cities, and the care and management of township libraries, shall be determined by such board, and each township shall conform, as nearly as practicable, to its action, but no text book adopted by the county board shall be changed within

three years from the date of such adoption, except by unanimous vote of all members of such board.

SEC. 9. At least one Saturday in each month during which the public schools may be in progress shall be devoted to township institutes, or model schools for the improvement of the teachers, and two Saturdays may be appropriated at the discretion of the township trustee of any township. Such institute shall be presided over by a teacher or other person designated by the trustee of the township. The township trustee shall specify, in a written contract with each teacher, that such teacher shall attend the full session of each institute contemplated herein or forfeit one day's wages for every day's absence therefrom, unless such absence shall be occasioned by sickness.

SEC. 10. All laws and parts of laws in conflict with this act be and the same are hereby repealed; *Provided*, the school examiners of the several counties in this State shall discharge their duties until a superintendent shall be elected and qualified under this act.

SEC. 11. Whereas an emergency exists for the immediate taking effect of this act, it shall take effect and be in force from and after its passage.

One Saturday in each month to be devoted to township institutes, &c.

Who to preside over such institutes.

Township trustee shall specify in contract with teachers that they shall attend such institutes or forfeit one day's wages, &c. Laws repealed.

School examiners to continue in discharge of their duties until, &c.

Emergency.

CHAPTER XXVI.

AN ACT to amend section forty-four of an act entitled "An Act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

[APPROVED MARCH 7, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section forty-four of the above entitled act be amended as follows: The custody and care of all lands belonging to the congressional township fund, shall be with the trustee of the civil township in which the same shall be situated, who shall report annually to the auditor, by the fourth Monday in March, the annual income derived therefrom to the township, and such report

Sec. 44 as amended.

Trustee to have custody of lands belonging to Congressional Tp. Fund. Trustee shall make report to Aud., when and what said report shall embrace.

What report of trustee shall embrace where trustee has heretofore failed to report.

Trustee to pay rents collected into county treasury.

Emergency.

shall embrace a fully itemized statement of his tent account of such lands, to whom and for what amount the same was rented to each tenant, and whether the rents have been collected or not, and if any portion has not been collected, he should state fully the reasons why the same has not been collected, and any trustee who has heretofore failed and neglected to so report, shall embrace in his first report such itemized statement, and showing for each preceding year not so reported, whether by himself or his predecessor; and the amount of school funds for any year to to which such township might otherwise be entitled, shall be withheld and not paid over to such trustee, if the rental value of said lands for such term shall equal or exceed the township's otherwise portion of the school fund, and it shall be the duty of such trustee to pay into the county treasury all rents collected and reported by him as aforesaid.

SEC. 2. An emergency for the immediate taking effect of this act is hereby declared, and the same is declared to be in force from and after its passage.

CHAPTER XXVII.

AN ACT to amend section 109, 110, 111 and 118 of an act entitled An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, &c., approved March 6, 1865, as amended by an act which took effect March 11, 1867.

[APPROVED MARCH 11, 1873.]

Preamble.

WHEREAS, Section 159 and 160 of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872, requires the settlement of delinquent taxes, of the county treasurer with the county auditor, to be made on the 15th day of December of each year, and requires the settlement of the county treasurers with the State treasurer to be made on the first day of January of each year :

AND WHEREAS, Section 111 of an act entitled An act to provide for a general system of common schools, the officers thereof, &c., approved March 6, 1865, requires the several county auditors of the State to make report

of such delinquent taxes to the Superintendent of Public Instruction on the tenth day of October of each year, seventy days before any settlement can be made, from which he can make said report.

AND WHEREAS, Section 109 of said act, approved March 6, 1865, requires the Superintendent of Public Instruction to make an apportionment of school revenue to the several counties of the State, on the 15th day of October of each year, sixty days before any report of delinquent taxes from county auditors can be received, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 109 of an act entitled *An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, &c*, approved March 6th, 1865, as amended by an act amendatory thereof, which took effect March 11, 1867, be amended to read as follows, to-wit: Section 109. There shall be two apportionments of the school revenue for tuition, made in each year by the State Superintendent of Public Instruction, one on the fourth Monday in May, and the other on the first day of January, unless the said day of the month should be Sunday, and if so, on the day following.

Sec. 109 amended.

Sec. 109 as amended.

State Sup. of Pub Inst shall make two apportionments of school revenue, when.

SEC. 2. That section 110 of said act, as amended by said amendatory act of 1867, be amended to read as follows, to-wit: Section 110. To enable the Superintendent to make said apportionments, and ascertain the amount of said revenue collected and ready for that purpose, the auditors of the several counties of the State shall promptly, after making the settlements with the county treasurer of their respective counties, in March, for the amount collected on tax list; and in December, for the amount of delinquent tax collected, make report to said superintendent, of the precise amount of school revenue for tuition collected in their respective counties, and ready for apportionment and distribution, which report shall be verified by the oath or affirmation of the auditor endorsed thereon.

Sec. 110 as amended.

Auditors shall make verified reports to Superintendent, when and showing what.

SEC. 3. That section 111 of the above recited act, as amended by said amendatory act of 1867, be amended to read as follows, to-wit: Section 111. The first of said reports in each year, shall not be delayed later than the third Monday in May, and the second not later than the twenty-fifth day of December, said reports shall show, 1st, the amount of school tax collected since the last report, whether upon the current year's tax list, or delinquent tax. 2d. The amount of interest collected since the last semi-annual report, and the amount of any not previously re-

Sec. 111 as amended.

Auditors reports shall not be delayed later than, &c.

Auditors reports shall show school tax collected.

Interest collected.

Amount derived from liquor licenses and unclaimed fees. Total amt. school revenue. Incomes derived from con. tp. school fund, including interest, &c.

Amt. of income from con. tp. fund on hand.

Sec. 118 as amended.

Auditors shall make semi-annual apportionments of school rev. to townships.

Apportionment of school rev. to city, town and townships.

Income of con. tp. school fund not to be diminished, diverted or distributed, &c.

Aud. to make report of apportionment to Sup. Pub. Inst.

ported upon loans of common school funds, or on any indebtedness which is due, or payable to said funds arising from the sale of seminary property or otherwise. 3d. The amount derived from liquor licenses and unclaimed fees not previously reported. 4th. The total amount of school revenue thus collected and ready for apportionment. 5th. The income derived from the congressional township school fund, including the interest on loans of said fund, and on deferred payments for school lands which have been sold, and the rents and profits derived from the leasing or renting of any such lands or otherwise. 6th. The amount of said income from the congressional township fund on hand, for distribution in parts of the townships in the adjacent counties, specifying the amount on hand for each of the several counties.

SEC. 4. That section 118 of said act, as amended by said amendatory act of 1867, be amended to read as follows, to-wit: Section 118. The auditor of each county shall semi-annually, on the second Monday of June, and on the last Monday in January, make apportionment of the school revenue, to which his county is entitled to the several townships and incorporated towns and cities of the county, which apportionment shall be paid to the school treasurer of each township and incorporated town and city, by the county treasurer, and in making the said apportionment and distribution thereof, the auditor shall ascertain the amount of the congressional township school revenue belonging to each city, town, and township, and shall so apportion the other school revenue as to equalize the amount of available school revenue for tuition to each city, town, and township, as near as may be, according to the enumeration of children therein; *Provided, however,* That in no case shall the income of the congressional township school fund belonging to any congressional township, or part of such township, be diminished by such apportionment, or diverted or distributed to any other township, and report the amount apportioned to the Superintendent of Public Instruction, verified by affidavit.

CHAPTER XXVIII.

AN ACT to provide for the submission to the qualified electors of this State for their ratification or rejection, a proposed amendment to the Constitution of Indiana, therein mentioned, and declaring an emergency.

[APPROVED JANUARY 28, 1873.]

WHEREAS, *The General Assembly of the State of Indiana*, Elected at the general election, held on the second Tuesday of October, A. D. 1870, did, at the regular session thereof, (which session was begun on the 5th day of January, 1871,) agree to pass and adopt a joint resolution in the words and figures following, to-wit:

A joint resolution, proposing an amendment to the Constitution by adding to the tenth article, a section in relation to the debt charged upon the Wabash and Erie canal.

Joint resolution of General Assembly, passed at regular session, 1870.

Be it resolved by the General Assembly of the State of Indiana, That the following amendment be, and hereby is proposed to the Constitution of this State, and that the same be, and is hereby agreed to and submitted to the electors of the State for their ratification or rejection; *Provided*, The same be agreed to by a majority of all the members elected to each House of the General Assembly of this State, to be chosen at the next general election, said amendment to consist of the addition of the following section to the tenth article of the Constitution, in the language following:

No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of this State to pay or redeem any certificate of stocks issued in pursuance of an act entitled "An Act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville," passed January 19th, 1846; and an act supplemental to said act, passed January 29th, 1847, which, by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal, in said acts mentioned, and no such certificate or stock shall ever be paid by this State.

Resolved further, That the foregoing joint resolution be, and the same is hereby referred to the General Assembly of this State, to be chosen at the general election to be held on the second Tuesday in October, in the year of our

Preamble.

Lord one thousand eight [hundred] and seventy-two, and WHEREAS, The General Assembly of this State which was elected at the general election held on the second Tuesday in October, in the year A. D. 1872, and which convened in special session on the 13th day of November of said year, did also at said special session pass, adopt and agree to a joint resolution in the words and figures following, to-wit :

Joint resolution
of General As-
sembly, passed
at special ses-
sion, 1872.

A joint resolution, agreeing to and adopting an amendment proposed to the Constitution by the last General Assembly, by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie canal,

"WHEREAS, The last General Assembly, at the regular session thereof, passed, adopted, and agreed to the following joint resolution, to-wit :

"A joint resolution, proposing an amendment to the Constitution, by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie canal.

"Be it resolved by the General Assembly of the State of Indiana, That the following amendment be, and hereby is, proposed to the Constitution of this State, and that the same be and is hereby agreed to and submitted to the electors of the State for their ratification or rejection ; *Provided,* The same shall be agreed to by a majority of all the members elected to each House of the General Assembly of this State, to be chosen at the next general election. Said amendment to consist of the addition of the following section to the tenth article of the constitution, in the language following :

"No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled "An Act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville," passed January 19th, 1846; and an act supplemental to said act, passed January 29th, 1847, which, by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned, and no such certificates or stocks shall ever be paid by this State.

Resolved further, That the foregoing joint resolution be, and the same is, hereby referred to the General Assembly of this State, to be chosen at the general election to be held on the second Tuesday in October, in the year of our Lord one thousand eight hundred and seventy-two. Now therefore,

Be it resolved by the General Assembly of the State of Indiana, That the said amendment proposed to the Constitution of Indiana, contained in the said joint resolution, passed by the last General Assembly, as aforesaid, and hereinbefore recited, be, and the same hereby is, agreed to and adopted by this General Assembly, and that the said amendment shall be submitted to the electors of the State for ratification, at an election to be called for that purpose in pursuance of such act of the General Assembly as may hereafter be passed, providing for such submission; and if no time is designated by this General Assembly, then shall be submitted to the people at the next general election, to be held on the second Tuesday in October, eighteen hundred and seventy-four.

Now, therefore, for the purpose of submitting the said amendment recited in both of said joint resolutions, to the qualified electors of this State for their ratification or rejection.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an election is hereby called and directed to be held in the several counties of this State, and at the several precincts or places of holding elections in said counties respectively, for the purpose of submitting to the qualified electors of this State for their ratification or rejection, the following proposed amendment to the Constitution of the State of Indiana, to consist of an addition of the following section to the tenth article of said Constitution in the language following, that is to say:

Election to be held in several counties of this State for ratification or rejection of constitutional amendment relative to liability of State to pay Wabash and Erie canal certificates of stock.

No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled "An Act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville," passed January 19th, 1846, and an act supplemental to said act, passed January 29th, 1847, which, by the provisions of said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned, and no such certificate of stocks shall ever be paid by this State.

SEC. 2. The said election shall be held on the 18th day of February, in the year of our Lord one thousand eight hundred and seventy-three; and the qualified voters voting at said election who may favor the adoption of the said amendment as a part of the Constitution of this State, shall use ballots having written or printed thereon the words "For the proposed amendment to the Constitution," and those who are opposed to the adoption of said

Election, on what day to be held, and form of ballots.

amendment as a part of the Constitution, shall use ballots having the words written or printed thereon, "Against the proposed amendment to the Constitution."

Between what hours of said day election to be held, and how conducted.

SEC. 3. The said election shall be held between the same hours between which general elections are now by law required to be held, and shall be conducted by the same officers now provided by law for the conducting of general elections, and all the rules and regulations now prescribed by law in relation to general elections, shall be applied, so far as practicable, to the election provided for in this act.

Votes to be counted, returned, canvassed and certified to Secy. of State.

SEC. 4. The votes given at said election shall be counted, returned, canvassed and certified by the clerks of the Circuit Courts of the several counties, to the Secretary of State, at, or within the time that votes given for members of the General Assembly are now by law required to be counted, canvassed and certified.

Gov. and Secy. of State to examine certificates and declare result of election.

SEC. 5. As soon as certificates of the result of such election shall have been received by the Secretary of State from the clerks of the circuit courts of all the counties in the State, it shall be the duty of the Governor and Secretary of State, to examine said certificates and declare the result of said election; and if it shall appear from said examination that a majority of all the votes cast at said election were in favor of the adoption of said proposed amendment, then, and thereupon, the said amendment shall be and become a part and parcel of the Constitution of the State of Indiana, and the Governor of this State shall, as soon as practicable, issue his proclamation, embodying the said amendment therein, and declaring and proclaiming that the same has been duly ratified by the people, and is therefore a part of the Constitution of the State.

Gov. shall make proclamation, &c.

Emergency.

SEC. 6. It is hereby declared that an emergency exists for the immediate taking effect of this act, and it shall therefore take effect and be in force from and after its passage.

CHAPTER XXIX.

AN ACT to divide the State into Circuits for Judicial purposes, fixing the time of holding Courts therein, abolishing the Courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases.

[APPROVED MARCH 6, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the State, for judicial purposes, shall be divided into thirty-eight circuits, and shall be constituted and held as hereinafter provided.

SEC. 2. The counties of Vanderburg and Posey shall constitute the first circuit. 1st circuit.

SEC. 3. The counties of Warrick, Spencer, Perry and Crawford shall constitute the second circuit. 2d circuit.

SEC. 4. The counties of Harrison, Washington, and Jackson, shall constitute the third circuit. 3d circuit.

SEC. 5. The counties of Floyd and Clark shall constitute the fourth circuit. 4th circuit.

SEC. 6. The counties of Jefferson and Scott shall constitute the fifth circuit. 5th circuit.

SEC. 7. The counties of Jennings, Ripley, and Switzerland shall constitute the sixth circuit. 6th circuit.

SEC. 8. The counties of Dearborn and Ohio shall constitute the seventh circuit. 7th circuit.

SEC. 9. The counties of Fayette, Rush, and Decatur, shall constitute the eighth circuit. 8th circuit.

SEC. 10. The counties of Bartholomew and Brown shall constitute the ninth circuit. 9th circuit.

SEC. 11. The counties of Orange, Lawrence, and Monroe shall constitute the tenth circuit. 10th circuit.

SEC. 12. The counties of Gibson, Pike, and Dubois shall constitute the eleventh circuit. 11th circuit.

SEC. 13. The counties of Knox, Daviess, and Martin shall constitute the twelfth circuit. 12th circuit.

SEC. 14. The counties of Putnam and Clay shall constitute the thirteenth circuit. 13th circuit.

SEC. 15. The counties of Vigo and Sullivan shall constitute the fourteenth circuit. 14th circuit.

SEC. 16. The counties of Morgan, Owen, and Greene shall constitute the fifteenth circuit. 15th circuit.

SEC. 17. The counties of Johnson and Shelby shall constitute the sixteenth circuit. 16th circuit.

- 17th circuit. SEC. 18. The county of Wayne shall constitute the seventeenth circuit.
- 18th circuit. SEC. 19. The counties of Henry and Hancock shall constitute the eighteenth circuit.
- 19th circuit. SEC. 20. The counties of Marion and Hendricks shall constitute the nineteenth circuit.
- 20th circuit. SEC. 21. The counties of Boone and Clinton shall constitute the twentieth circuit.
- 21st circuit. SEC. 22. The counties of Warren, Vermillion, and Fountain shall constitute the twenty-first circuit.
- 22d circuit. SEC. 23. The counties of Montgomery and Parke shall constitute the twenty-second circuit.
- 23d circuit. SEC. 24. The counties of Tippecanoe and White shall constitute the twenty-third circuit.
- 24th circuit. SEC. 25. The counties of Hamilton and Madison shall constitute the twenty-fourth circuit.
- 25th circuit. SEC. 26. The counties of Delaware and Randolph shall constitute the twenty-fifth circuit.
- 26th circuit. SEC. 27. The counties of Wells, Adams, and Jay shall constitute the twenty-sixth circuit.
- 27th circuit. SEC. 28. The counties of Wabash and Miami shall constitute the twenty-seventh circuit.
- 28th circuit. SEC. 29. The counties of Huntington, Grant, and Blackford shall constitute the twenty-eighth circuit.
- 29th circuit. SEC. 30. The counties of Cass and Carroll shall constitute the twenty-ninth circuit.
- 30th circuit. SEC. 31. The counties of Benton, Jasper, Newton and Pulaski shall constitute the thirtieth circuit.
- 31st circuit. SEC. 32. The counties of Lake, Porter, and Starke shall constitute the thirty-first circuit.
- 32d circuit. SEC. 33. The counties of Laporte and St. Joseph shall constitute the thirty-second circuit.
- 33d circuit. SEC. 34. The counties of Marshall, Kosciusko and Fulton shall constitute the thirty-third circuit.
- 34th circuit. SEC. 35. The counties of Elkhart and Lagrange shall constitute the thirty-fourth circuit.
- 35th circuit. SEC. 36. The counties of Steuben, De Kalk and Noble shall constitute the thirty-fifth circuit.
- 36th circuit. SEC. 37. The counties of Tipton and Howard shall constitute the thirty-sixth circuit.
- 37th circuit. SEC. 38. The counties of Franklin and Union shall constitute the thirty-seventh circuit.
- 38th circuit. SEC. 39. The counties of Allen and Whitley shall constitute the thirty-eighth circuit.
- 1st circuit, Vanderburgh, Posey. Terms. SEC. 40. The terms of said court in the first circuit shall be held in the county of Vanderburgh on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in December in each year, and in the county of Posey on the Mon-

days succeeding the courts in the county of Vanderburg. The courts in the county of Vanderburg shall continue seven weeks, and in the county of Posey three weeks at each term, if the business thereof requires it.

SEC. 41. The terms of said court in the second circuit shall be held in the county of Warrick on the first Mondays of January, April, July and October, of each year; in the county of Spencer on the Mondays succeeding the courts in the county of Warrick; in the county of Perry, on the Mondays succeeding the courts in the county of Spencer; in the county of Crawford, on the Mondays succeeding the courts in the county of Perry. Such courts in the counties of Warrick, Spencer, and Perry shall continue three weeks, and in Crawford two weeks at each term, if the business thereof requires it.

2d circuit,
Warrick, Spencer,
Perry,
Crawford.
Terms.

SEC. 42. The terms of court in the third circuit shall be held in the county of Jackson on the first Monday in February, the fourth Monday in April, the first Monday in September, the third Monday in November in each year; in the county of Harrison on the Mondays succeeding the the courts in the county of Jackson; and in the county of Washington on the Mondays succeeding the courts in the county of Harrison. The courts in the county of Jackson shall continue four weeks, and in the counties of Harrison and Washington three weeks at each term, if the business thereof requires it.

3d circuit,
Jackson, Harrison,
Washington.
Terms.

SEC. 43. The terms of said court in the fourth circuit shall be held in the county of Floyd, on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Clarke on the Mondays succeeding the courts in the county of Floyd. The courts in the county of Floyd shall continue five weeks, and in the county of Clarke five weeks at each term.

4th circuit,
Floyd, Clarke.
Terms.

SEC. 44. The terms of said court in the fifth circuit shall be held in the county of Jefferson on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Scott on the Mondays succeeding the courts in the county of Jefferson. The courts in the county of Jefferson shall continue eight weeks, and in the county of Scott two weeks at each term, if business thereof requires it.

5th circuit,
Jefferson, Scott.
Terms.

SEC. 45. The terms of said court in the sixth circuit shall be held in the county of Ripley on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November in each year; in the county of Jennings, on the Mondays succeeding the courts in the county of Ripley; and in the county of Switzerland on the Mondays succeeding the courts in

6th circuit,
Ripley, Jennings,
Switzerland.
Terms.

the county of Jennings. The courts in the county of Ripley shall continue four weeks, in the county of Jennings three weeks, and in the county of Switzerland three weeks at each term, if the business thereof requires it.

7th circuit,
Dearborn, Ohio.
Terms.

SEC. 46. The terms of said court in the seventh circuit shall be held in the county of Dearborn on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year, and in the county of Ohio, on the Mondays succeeding the courts in the county of Dearborn. The courts in the county of Dearborn shall continue eight weeks, and in the county of Ohio, two weeks at each term if the business thereof requires it.

8th circuit,
Decatur, Rush,
Fayette. Terms.

SEC. 47. The terms of said court in the eighth circuit shall be held in the county of Decatur on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Rush on the Mondays succeeding the courts in the county of Decatur; and in the county of Fayette on the Mondays succeeding the courts in the county of Rush. The courts in the county of Decatur shall continue four weeks, in the county of Rush four weeks, and in the county of Fayette three weeks at each term, if the business thereof requires it.

9th circuit,
Bartholomew,
Brown. Terms.

SEC. 48. The terms of said court in the ninth circuit shall be held in the county of Bartholomew on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Brown on the Mondays succeeding the courts in the county of Bartholomew. The courts in the county of Bartholomew shall continue eight weeks, and in the county of Brown two weeks at each term, if the business thereof requires it.

10th circuit,
Orange, Lawrence,
Monroe. Terms.

SEC. 49. The terms of said court in the tenth circuit shall be held in the county of Orange on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Lawrence on the Mondays succeeding the courts in the county of Orange; and in the county of Monroe on the Mondays succeeding the courts in the county of Lawrence. The courts in the county of Orange shall continue two weeks, in the county of Lawrence four weeks, and in the county of Monroe three weeks at each term, if the business thereof requires it.

11th circuit, Gibson,
Pike, Dubois. Terms.

SEC. 50. The terms of said court in the eleventh circuit shall be held in the county of Gibson on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year, in the county of Pike on the Mondays

succeeding the courts in the county of Gibson; and in the county of Dubois on the Mondays succeeding the courts in the county of Pike. The courts in the county of Gibson shall continue four weeks, in the county of Pike three weeks, in the county of Dubois two weeks at each term, if the business thereof requires it.

SEC. 51. The terms of said court in the twelfth circuit shall be held in the county of Knox on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Daviess on the Mondays succeeding the courts in the county of Knox; and in the county of Martin on the Mondays succeeding the courts in the county of Daviess. The courts in the county of Knox shall continue four weeks, in the county of Daviess three weeks, and in the county of Martin two weeks at each term, if the business thereof requires it.

12th circuit,
Knox, Daviess,
Martin. Terms.

SEC. 52. The terms of said court in the thirteenth circuit shall be held in the county of Putnam on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Clay on the Mondays succeeding the courts in the county of Putnam; and in the county of Hendricks on the Mondays succeeding the courts in the county of Clay. The courts in each of said counties shall continue three weeks, if the business thereof requires it.

13th circuit,
Putnam, Clay.
Terms.

SEC. 53. The terms of said court in the fourteenth circuit shall be held in the county of Vigo on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Sullivan on the Mondays succeeding the courts in the county of Vigo. The courts in the county of Vigo shall continue eight weeks, and in the county of Sullivan three weeks at each term, if the business thereof requires it.

14th circuit,
Vigo, Sullivan.
Terms.

SEC. 54. The terms of said court in the fifteenth circuit shall be held in the county of Morgan on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Owen on the Mondays succeeding the courts in the county of Morgan; and in the county of Greene on the Mondays succeeding the courts in the county of Owen. The courts in the county of Morgan shall continue four weeks, in the county of Owen three weeks, and in the county of Greene three weeks at each term, if the business thereof requires it.

15th circuit,
Morgan, Owen,
Greene. Terms.

SEC. 55. The terms of said court in the sixteenth circuit shall be held in the county of Johnson on the first

16th circuit,
Johnson, Shelby.
Terms.

Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Shelby on the Mondays succeeding the courts in the county of Johnson. The courts in the county of Johnson shall continue four weeks, and in the county of Shelby seven weeks at each term, if the business thereof requires it.

17th circuit,
Wayne.
Terms.

SEC. 56. The terms of said court in the seventeenth circuit shall be held in the county of Wayne on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year, and shall continue so long each term as the business thereof requires it.

18th circuit,
Henry, Hancock. Terms.

SEC. 57. The terms of said court in the eighteenth circuit shall be held in the county of Henry on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Hancock on the Mondays succeeding the courts in the county of Henry. The courts in the county of Henry shall continue six weeks and in the county of Hancock four weeks at each term if the business thereof requires it.

19th circuit,
Hendricks.
Terms.
Marion. Terms.

SEC. 58. The terms of said court in the nineteenth circuit shall be held in the county of Hendricks on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year, and shall continue four weeks, if the business thereof requires. Said court shall be held in the county of Marion on the Mondays succeeding the courts in the county of Hendricks, and shall continue so long as the business thereof requires it.

20th circuit,
Boone, Clinton.
Terms.

SEC. 59. The terms of said court in the twentieth circuit shall be held in the county of Boone on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Clinton on the Mondays succeeding the courts in the county of Boone. The courts in the county of Boone shall continue five weeks, and in the county of Clinton five weeks at each term, if the business thereof requires it.

21st circuit,
Warren, Vermillion, Fountain. Terms.

SEC. 60. The terms of said court in the twenty-first circuit shall be held in the county of Warren on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; In the county of Vermillion on the Mondays succeeding the courts in the county of Warren; and in the county of Fountain on the Mondays succeeding the courts in the county of Vermillion. The courts in the county of Warren shall continue three weeks, in the

county of Fountain four weeks, and in the county of Vermillion three weeks at each term, if the business thereof requires it.

SEC. 61. The terms of said court in the twenty-second circuit shall be held in the county of Montgomery on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Parke on the Mondays succeeding the courts in the county of Montgomery. The courts in the county of Montgomery shall continue five weeks, in the county of Parke five weeks at each term, if the business thereof requires it.

22d circuit,
Montgomery,
Parke. Terms.

SEC. 62. The terms of said court in the twenty-third circuit shall be held in the county of Tippecanoe on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of White on the Mondays succeeding the courts in the county of Tippecanoe. The courts in the county of Tippecanoe shall continue seven weeks, and in the county of White two weeks at each term, if the business thereof requires it.

23d circuit,
Tippecanoe,
White. Terms.

SEC. 63. The terms of said court in the twenty-fourth circuit shall be held in the county of Hamilton on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Madison on the Mondays succeeding the courts in the county of Hamilton. The courts in the county of Hamilton shall continue five weeks, and in the county of Madison five weeks at each term, if the business thereof requires it.

24th circuit,
Hamilton,
Madison.
Terms.

SEC. 64. The terms of said court in the twenty-fifth circuit, shall be held in the county of Delaware on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Randolph on the Mondays succeeding the courts in the county of Delaware. The courts in the county of Delaware shall continue five weeks, and in the county of Randolph five weeks at each term, if the business thereof requires it.

25th circuit,
Delaware, Ran-
dolph. Terms.

SEC. 65. The terms of said court in the twenty-sixth circuit shall be held in the county of Wells on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Adams on the Mondays succeeding the courts in the county of Wells; and in the county of Jay on the Mondays succeeding the courts in the county of Adams. The courts in the counties of Wells and Adams shall continue three weeks, and in the

26th circuit,
Wells, Adams,
Jay. Terms.

county of Jay four weeks at each term, if the business thereof requires it.

27th circuit,
Wabash, Mi-
ami. Terms.

SEC. 66. The terms of said court in the twenty-seventh circuit shall be held in the county of Wabash on the fourth Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Miami on the Mondays succeeding the courts in the county of Wabash. The courts in the county of Wabash and Miami shall continue five weeks at each term if the business therefore requires it.

28th circuit,
Grant, Black-
ford, Hunting-
ton. Terms.

SEC. 67. The terms of said court in the twenty-eighth circuit shall be held in the county of Grant on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Blackford on the Mondays succeeding the courts in the county of Grant; and in the county of Huntington on the Mondays succeeding the courts in the county of Blackford. The courts in the county of Grant shall continue four weeks, in the county of Blackford two weeks, and in the county of Huntington four weeks, at each term, if the business thereof requires it.

29th circuit,
Cass, Carroll,
Terms.

SEC. 68. The terms of said court in the twenty-ninth circuit shall be held in the county of Cass on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Carroll on the Mondays succeeding the courts in the county of Cass. The courts in the county of Cass shall continue six weeks, and in the county of Carroll three weeks at each term, if the business thereof requires it.

30th circuit,
Benton, Jasper,
Newton, Pulaski. Terms.

SEC. 69. The terms of said court in the thirtieth circuit shall be held in the county of Benton on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Jasper on the Mondays succeeding the courts in the county of Benton; in the county of Newton on the Mondays succeeding the courts in the county of Jasper; and in the county of Pulaski on the Mondays succeeding the courts in the county of Newton. The courts in the counties of Benton and Newton shall continue two weeks, and in the counties of Jasper and Pulaski three weeks at each term, if the business thereof requires it.

31st circuit,
Lake, Porter,
Starke. Terms.

SEC. 70. The terms of said court in the thirty-first circuit shall be held in the county of Lake on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in Novem-

ber of each year; in the county of Porter on the Mondays succeeding the courts in the county of Lake; in the county of Starke on the Mondays succeeding the courts in the county of Porter. The courts in the county of Lake shall continue three weeks, in the county of Porter three weeks, and in the county of Starke two weeks at each term, if the business thereof requires it.

SEC. 71. The terms of said court in the thirty-second circuit shall be held in the county of LaPorte on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of St. Joseph on the Mondays succeeding the courts in the county of LaPorte. The courts in the county of LaPorte shall continue five weeks, and in the county of St. Joseph four weeks at each term, if the business thereof requires it.

32d circuit,
LaPorte, St.
Joseph. Terms.

SEC. 72. The terms of said court in the thirty-third circuit shall be held in the county of Marshall on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Kosciusko on the Mondays succeeding the courts in the county of Marshall; and in the county of Fulton on the Mondays succeeding the courts in the county of Kosciusko. The courts in the county of Marshall shall continue three weeks, in the county of Kosciusko four weeks, and in the county of Fulton two weeks at each term, if the business thereof requires it.

33d circuit,
Marshall, Kos-
ciusko, Fulton,
Terms.

SEC. 73. The terms of said court in the thirty-fourth circuit shall be held in the county of Elkhart on the first Monday in February, the fourth Monday in April, the first Monday in September, and the the third Monday in November of each year; and in the county of LaGrange on the Mondays succeeding the courts in the county of Elkhart. The courts in the county of Elkhart shall continue six weeks, and in the county of LaGrange three weeks at each term, if the business therefore requires it.

34th circuit,
Elkhart,
La Grange.
Terms.

SEC. 74. The terms of said court in the thirty-fifth circuit shall be held in the county of Steuben on the first Monday in February, the fourth Monday in April, the first Monday in September, and the fourth Monday in November of each year; in the county of DeKalb on the Mondays succeeding the courts in the county of Steuben; and in the county of Noble on the Mondays succeeding the courts in the county of DeKalb. The courts in the county of Steuben shall continue two weeks, in the county of DeKalb three weeks, and in the county of Noble four weeks at each term if the business thereof requires it.

35th circuit,
Steuben, De
Kalb, Noble.
Terms.

SEC. 75. The terms of said court in the thirty-sixth circuit shall be held in the county of LaPorte on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of St. Joseph on the Mondays succeeding the courts in the county of LaPorte. The courts in the county of LaPorte shall continue five weeks, and in the county of St. Joseph four weeks at each term, if the business thereof requires it.

36th circuit,
LaPorte, St.
Joseph. Terms.

Tipton, Howard. Terms.

circuit shall be held in the county of Tipton on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Howard on the Mondays succeeding the courts in the county of Tipton. The courts in the county of Tipton shall continue four weeks, and in the county of Howard five weeks at each term, if the business thereof requires it.

37th circuit, Franklin, Union. Terms.

SEC. 76. The terms of said court in the thirty-seventh circuit shall be held in the county of Franklin on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Union on the Mondays succeeding the courts in the county of Franklin. The courts in the county of Franklin shall continue six weeks, in the county of Union three weeks at each term, if the business thereof requires it.

38th circuit, Allen, Whitley. Terms.

SEC. 77. The terms of said court in the thirty-eighth circuit shall be held in the county of Allen on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Whitley on the Mondays succeeding the courts in the county of Allen. The courts in the county of Allen shall continue seven weeks, and in the county of Whitley three weeks at each term, if the business thereof requires it.

Special terms shall be held, when.

SEC. 78. If at the close of the terms preceeding the summer vacations of said courts, the business of any county in any of said circuits shall not be completed, it shall be the duty of the Judge of such circuit to hold such special terms during such vacation, as shall keep the business of said court fully disposed of.

Jurisdiction of circuit court. Laws, how construed.

SEC. 79. Such Circuit Courts, in addition to the jurisdiction heretofore exercised by them, shall also have the same jurisdiction that has heretofore been exercised by the Court of Common Pleas, and all laws and parts of laws concerning said Courts of Common Pleas, shall be hereafter construed to mean and apply to said Circuit Courts, so far as the same may be applicable, and the offices of Common Pleas Judge and District Attorney are hereby abolished.

Disposition of business pending in Com. Pleas Ct. on taking effect of this act.

SEC. 80. All matters and business pending in the courts of Common Pleas, on taking effect of this act, shall be transferred to, and be disposed of by the Circuit Court of the proper counties, and all writs, subpoenas, publications, rules, bonds, recognizances, executions, orders of sale, and process of whatever kind in said courts of Common Pleas shall be returnable to the first term of said several Circuit Courts after the taking effect of this act, the same as if

they had issued out of the said Circuit Courts; *Provided*, That the Judges of the Common Pleas Courts having causes that have been tried by them under advisement, shall render decisions and complete the record therein at the first term of the Circuit Court held in pursuance of this act to which such causes have been transferred.

SEC. 81. All records and papers remaining on file in the several courts of Common Pleas, shall be transferred to and become a part of the records and papers of the Circuit Courts of the proper counties, and the said Circuit Courts shall enforce all judgments, decrees, rules, and forfeitures of the said Courts of Common Pleas, the same as if they had been rendered or determined in the said Circuit Court.

Records, judgments, &c., of Com. Pleas Ct., disposition of and how enforced.

SEC. 82. On the second Tuesday of October, 1873, a general election shall be held in the proper counties to elect Judges and Prosecuting Attorneys in place of such Judges and Prosecuting Attorneys as may be holding their office by appointment of the Governor, and such election shall be held and conducted under the laws and regulations governing general elections in this State.

Election of Judges and Pros. Attys.

SEC. 83. Any Circuit or Common Pleas Court that may be in session in any county in this State on the taking effect of this Act under the provisions of law heretofore existing is hereby authorized to continue such session until the expiration of the term, the same as if this act had not been passed, provided, that the counties where the terms of said courts are not limited, they shall not continue beyond four weeks from the taking effect of this act.

Court in session on taking effect of this act, to continue how long.

SEC. 84. All writs, subpoenas, publications, rules, bonds, recognizances, orders, or process of whatever kind issued out of any Circuit Court, and made returnable to any term of said court as heretofore fixed by law, shall be deemed and held to be returnable to the first term of said court as provided for by this act.

Process when returnable.

SEC. 85. In all cases where appeals are now authorized by law to be taken exclusively to the courts of Common Pleas, the same shall hereafter be taken to the Circuit Court.

Appeals.

SEC. 86. The present Judges of the Circuit Courts residing in the circuits created by this act, shall be the judges of said court for the circuits herein provided.

Judges of circuits created by this act.

SEC. 87. The several Judges and Clerks of the Circuit Courts to which the records and business of the Common Pleas Courts shall be transferred by this act, shall have power to certify all transcripts and records necessary to be authenticated from the records and files of the said Court of Common Pleas.

Transcripts from records of Common Pleas Ct.

Emergency.

SEC. 88. An emergency exists for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

CHAPTER XXX.

AN ACT to amend section forty (40) of an act entitled "An Act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the courts of common pleas and transferring the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases," approved March 6th, 1873.

[APPROVED MARCH 10, 1873.]

**Sec. 40
amended.**

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section forty (40) of an act entitled "An Act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the courts of common pleas, and transferring the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases," approved March 6th, 1873, be amended to read as follows: The terms of said courts in the first circuit shall be held in the county of Vanderburg on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November in each year; and in the county of Posey on the Mondays succeeding the courts in the county of Vanderburg. The courts in the county of Vanderburg shall continue seven weeks, and in the county of Posey three weeks at each term, if the business thereof requires it.

**Sec. 40 as
amended.
Vanderburgh
Co., times of
holding Cir. Ct.**

**Posey Co.,
times of hold-
ing Cir. Ct.
Length of
terms.**

Emergency.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

CHAPTER XXXI.

AN ACT fixing the time of holding circuit courts in the thirteenth judicial circuit of this State.

[APPROVED MARCH 10, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts in the thirteenth judicial circuit, shall hold their terms in the courts of Putnam and Clay, as set out in the following section of this act. Thirteenth judicial circuit.

SEC. 2. The terms of said court in the thirteenth circuit shall be held in the county of Putnam on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Clay on the Mondays succeeding the courts in the county of Putnam. The courts in the county of Putnam shall continue five weeks, and in the county of Clay four weeks at each term, if the business thereof requires it. Putnam Co., times of holding Cir. Ct.
Clay Co., times of holding Cir. Ct.
Length of terms.

SEC. 3. An emergency exists for the immediate taking effect of this act, the same shall, therefore, be in force from and after its passage. Emergency.

CHAPTER XXXII.

AN ACT fixing the times for holding the courts in the thirty-eighth judicial circuit, and to continue in force certain provisions of law applicable thereto, and declaring an emergency.

[APPROVED MARCH 8, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit court in the county of Whitley shall be held on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November in each year; and in the county of Allen on the Mondays succeeding the courts in the county of Whitley. The length of the terms in the county of Whitley shall be two weeks if the business thereof shall require it; and in the county of Allen, Thirty-eighth judicial circuit.
Whitley Co., times of holding court.
Allen Co., times of holding court.
Length of terms of court.

the terms may continue, subject to the provisions of law heretofore in force applicable thereto, so long as the business thereof may require.

Emergency.

SEC. 2. An emergency exists for the immediate taking effect of this act, and it is hereby declared to be in force from and after its passage.

CHAPTER XXXIII.

AN ACT to amend the first section of an act entitled "An Act creating the nineteenth, twentieth, and twenty-first judicial circuits, providing for the election of judges and prosecuting attorneys thereof, and providing compensation therefor, declaring the jurisdiction of said courts and providing for a transfer of actions thereto," approved March 11, 1867, and to provide for the transfer of actions and business in said twenty-first judicial circuit to the Wayne circuit court, and declaring its jurisdiction in relation thereto.

[APPROVED MARCH 7, 1873.]

Sec. 1 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the first section of the above recited act be and is hereby amended so as to read as follows: That the county of Tippecanoe shall be created into and constitute the nineteenth judicial circuit; that the county of Allen shall be created into and constitute the twentieth judicial circuit, and that there shall be established in said county of Tippecanoe, a criminal circuit court, and that there shall be established in said county of Allen, a criminal circuit; that said criminal circuit courts shall have such jurisdiction as is or may be provided by law; but this act shall not in anywise interfere with the organization of the Tippecanoe or Allen circuit courts as now provided by law, nor with their jurisdiction, except in criminal cases. That said criminal court for the said county of Tippecanoe, shall be held at the court house in said county or at such other place in said county as the board of commissioners of said county may provide. That said criminal court for the said county of Allen shall be held at the court house in said county, or at such other place in said county as the board of commissioners of said county may provide. The clerk and sheriff of the circuit courts of said counties respectively, shall be the clerk and

Tippecanoe Co.
nineteenth ju-
dicial circuit.
Allen Co. twen-
tieth circuit.

Crim. court in
Tippecanoe Co.
Crim. court in
Allen Co.
Jurisdiction of
said courts.

Where said
courts shall be
held.

Clerk and sheriff
of said courts.

sheriff of the criminal court in their and each of their said counties. The said courts shall, in all things not otherwise provided by law, be governed by law now in force in regard to circuit courts and the judges and prosecuting attorneys, clerks and sheriffs aforesaid, shall receive the same salaries and fees allowed by law to the judges, prosecuting attorneys, clerks and sheriffs of the circuit courts.

By what rules court to be governed.

Salaries of judges and other officers of said court.

SEC. 2. All writs, subpoenas, venires, rules, orders of court, recognizances, and process whatever, which have issued from the Wayne criminal circuit court composing the twenty-first judicial circuit, shall be returnable on the first day of the first term of the Wayne circuit court held after the taking effect of this act, and returned to said court and all indictments, informations, and proceedings now pending in said Wayne criminal court, shall be transferred to said Wayne circuit for trial and final disposition, and said Wayne circuit court shall have complete jurisdiction of such actions, and persons convicted in said criminal court, with power to make such orders, and do all things appertaining to said actions, forms and proceedings, as said criminal court is now by law authorized to do.

Writs, subpoenas, &c., of Wayne crim. cir. court. 21st judicial cir. returnable to Wayne cir. court.

Indictments and informations of Wayne crim. cir. court to be transferred to Wayne cir. court for disposition, &c.

SEC. 3. All laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

Laws repealed.

SEC. 4. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

Emergency.

CHAPTER XXXIV.

AN ACT to repeal all laws now in force, establishing the times of holding circuit courts in the second judicial circuit, to fix the times of holding said courts, requiring all persons to take notice thereof, providing for the return of process thereto.

[APPROVED FEBRUARY 12, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all laws now in force establishing the times of holding circuit courts in the second judicial circuit, are hereby repealed.

Repealing clause.

SEC. 2. Circuit courts in the second judicial circuit shall be held as follows, to-wit: In Scott county on the second Mondays of February and August; in Jackson county on the third Mondays in February and August;

Second judicial circuit. Times of holding and length of terms of courts.

in Washington county on the second Mondays of March and September; in Harrison county on the fourth Mondays of March and September; in Clarke county on the second Mondays of April and October; in Floyd county on the fourth Mondays of April and October; in Orange county on the fourth Mondays of May and November; in Lawrence county on the second Mondays of June and December. The court shall sit in each of said counties, except Scott, Floyd, Lawrence and Jackson, two weeks, and in Scott one week, and in Lawrence and Jackson three weeks each, and in Floyd four weeks, if business shall require it.

Process when returnable.

Orders of court, recognizances, &c.

Emergency.

SEC. 3. Process returnable to the next term of any of said courts, is hereby made returnable to the next term as fixed by this act, and all orders of court, recognizances and publications, having reference to the next terms of said courts, shall be taken as having reference to the next terms as fixed by this act, and all persons shall take notice of the time of holding said courts as herein fixed.

SEC. 4. An emergency exists for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

CHAPTER XXXV.

AN ACT to change the time of holding the circuit court of Bartholomew county at the summer term.

[APPROVED JANUARY 28, 1873.]

Circuit court in Bartholomew Co., time of holding and length of summer term.

Laws repealed.

Emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the summer term of the circuit court of Bartholomew county shall begin on the first Monday in June of each year, and said court shall sit so long as the business thereof shall require.

SEC. 2. All laws inconsistent herewith are hereby repealed.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

CHAPTER XXXVI.

AN ACT to change the time of holding the circuit court in Huntington county, Indiana.

[APPROVED FEBRUARY 5, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the term of the circuit court shall be held in Huntington county, as follows: Commencing on the first Monday in March and continue four weeks, and on the fourth Monday of August, and continue five weeks.

Times of holding cir. court in Huntington Co. and length of terms.

SEC. 2. It is declared that an emergency exists for the immediate taking effect of this act, and it shall be in force from and after its passage.

Emergency.

CHAPTER XXXVII.

AN ACT in relation to the order of business in the circuit courts, and giving the court the power to empanel special juries in certain cases.

[APPROVED MARCH 7, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* [That] the circuit judges of this State shall have power, and it is hereby made their duty, by proper order, to arrange and regulate the order of business in their respective circuits, and in making such order they shall provide:

Order of business in circuit courts.

1. For the making up of issues and transaction of probate business.
2. For the trial of criminal cases.
3. For the trial of civil cases.

SEC. 2. The petit jury shall be summoned to appear on the first day designated for the trials of criminal business and not before. After the beginning of the trial term, the court shall proceed to try the cases in their regular order, which trials shall not be delayed or interrupted by the making up of issues. The judge shall, as far as practicable, so arrange the cases to be tried by the court, so

Petit jury, when to be summoned

Trial of causes to be in regular order, and not to be interfered with.

Trial of cases by
court.
Discharge of
jury.

Special jury.

Emergency.

that the same may be tried after the discharge of the jury, and such jury shall be immediately discharged when the issues requiring it shall be disposed of.

SEC. 3. The court shall have the power, when the business thereof requires it, to order the empanneling of special jury for the trial of any cause.

SEC. 4. An emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

CHAPTER XXXVIII.

AN ACT fixing the time of holding the common pleas court in the
county of Bartholomew.

[APPROVED JANUARY 28, 1873.]

Court of com.
pleas of Bar-
tholomew Co.,
times of holding
and length of
terms.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the court of common pleas in the county of Bartholomew shall hereafter sit as follows: On the first Mondays of April and September, and the third Monday of November in each year, and shall sit at each term so long as the business thereof may require.

Laws repealed.

SEC. 2. All laws inconsistent herewith are hereby repealed.

Emergency.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

CHAPTER XXXIX.

AN ACT governing costs in the superior courts of this State.

[APPROVED MARCH 3, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all actions and proceedings in the superior courts of this State, costs shall be adjudged by the court, and recovered and paid by the parties, in accordance in all respects with the law governing the same subject in like cases in the circuit courts of this State.

Costs in superior courts, how adjudged and recovered.

SEC. 2. It is declared that an emergency exists for the immediate taking effect of this act, and it shall therefore take effect and be in force from and after its passage.

Emergency.

CHAPTER XL.

AN ACT supplemental to the act entitled "An Act dividing the State into counties, defining their boundaries and defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7, 1852, so as to define the boundary between the counties of Washington and Carke.

[APPROVED MARCH 7, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following described boundaries shall be, and is hereby declared to be the boundary line dividing the counties of Washington and Clarke, to-wit: Commencing at the southwest corner of section seventeen, town one, south of range five, east, thence north along the line dividing sections seventeen and eighteen, and seven and eight, and five and six, to the base line; thence north between sections thirty-one and thirty-two, town one, north, range five east, to the southwest corner of section twenty-nine; thence east between section twenty-nine and thirty two, and twenty-eight and thirty-three of said town and range, to the south-west corner of section twenty-seven; thence north to the north-west corner of section twenty-seven, in said town one, north, range five, east; thence between sections twenty-two and twenty-seven, and

Boundary line dividing Washington and Clarke counties.

twenty-three and twenty-six, and twenty-four and twenty-five in said town one, north, range six, east; thence east between sections nineteen and thirty, of town one, north, range six, east, to southwest corner of section twenty; thence north between nineteen and twenty, to southwest corner of section seventeen in said town one, north of range six, east; thence east to southwest corner of [section] sixteen; thence north between sections sixteen and seventeen, and eight and nine, to the northwest corner of nine, of said town and range; thence east between four and nine, to southwest corner of section three; thence north between three and four in said town one, north, range six, east, to Scott county line.

Sections of law
repealed.

SEC. 2. Any sections of an act entitled "An Act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers, coming in conflict with this act, be and the same are hereby repealed.

Emergency.

SEC. 3. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

CHAPTER XLI.

AN ACT for the relief of the indigent cripples of the State of Indiana.

[APPROVED MARCH 8, 1873.]

When and
what cripples
may be board-
ed and lodged
at expense of
county in
institution for
treatment of
cripples.

Proof of ina-
bility to pay, &c.

Co. Com.
when to pro-
vide for pay of
board, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when any cripple having a residence in any county of this State is unable to pay the expenses of boarding and lodging at any institute for the treatment of cripples, and can procure the certificate of any reputable physician or surgeon of the county in which he has his residence, that there is a reasonable prospect (by proper appliances and surgical aid) of materially benefiting such cripple, and shall prove to the satisfaction of the board of commissioners of his county that he is not able to pay for his boarding and lodging as aforesaid, the county commissioners of said county shall be authorized to provide for the same out of the funds of the county,

including the cost of transporting such cripple to and from said institute; but no allowance shall, in any instance, be made for surgical or medical treatment. No allowance for treatment.

SEC. 2. It is hereby declared that an emergency exists Emergency. for the immediate taking effect of this act, and that it shall take effect and be in force from and after its passage.

CHAPTER XLII.

AN ACT defining cruelty to animals, declaring it a misdemeanor, and providing a penalty therefor.

[APPROVED MARCH 10, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That every person who shall cruelly beat or torture, or overdrive any horse, or other animal, whether belonging to himself or another, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars. What acts to be deemed cruelty to animals, and misdemeanor. Penalty.

CHAPTER XLIII.

AN ACT regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto, and repealing all laws conflicting with this act, and declaring an emergency.

[APPROVED MARCH 10, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all marriages prohibited by law on account of consanguinity, affinity, difference of color, or where either party thereto has a former wife or husband living, if solemnized within this State, shall be absolutely void without any legal proceedings. What marriages void.

Issue of marriages void on account of consanguinity, &c., legitimate.

Issue of marriages void on account of marriage existing undissolved, when to be deemed legitimate.

Legitimacy of marriages, proceedings to determine same

Appeal may be taken from such decree to supreme court, &c.

Decree finally rendered shall be conclusive, but minor on arriving at age may have decree reviewed within one year

Judgment of divorce rendered on notice of newspaper publication only, may be opened as to care, &c., of children. When party may have judgment opened and defend as to granting of divorce, &c.

Unlawful for party obtaining divorce on notice of publication to marry within two years, which shall be stated in decree. Statement shall be filed, and notice given. When affidavit shall be filed, and what same shall state.

SEC. 2. The issue of a marriage, void on account of consanguinity, affinity, or difference of color, shall be deemed to be legitimate.

SEC. 3. When either of the parties to a marriage void, because a former marriage exists undissolved, shall have contracted such void marriage in the reasonable belief that such disability did not exist; the issue of such marriage begotten before the discovery of such disability by such innocent party, shall be deemed legitimate.

SEC. 4. For the purpose of evidence, any person or persons interested in the question of such legitimacy may file their petition in the circuit or common pleas court or superior court of any county in this State, where either of the parties to said marriage may reside, setting forth the facts, and making defendants thereto all persons interested in such question, and give such notice to said defendants as is by this act required to be given to the defendant on a petition for a divorce; and the court, on hearing such petition, shall decree such issue to be legitimate or illegitimate as the facts may be. And from such decree an appeal may be taken to the supreme court, and when taken, the case shall be governed by the same rules, and disposed of as other civil actions are in cases of appeal.

SEC. 5. Such decree as shall be finally rendered in cases provided for in the next preceding section, shall be conclusive between the parties thereto, and those claiming under them, but any minor defendant may have the same reviewed at any time within one year, after arriving at the age of twenty-one years.

SEC. 6. Parties, against whom a judgment of divorce has been heretofore, or shall be hereafter rendered without other notice than publication in a newspaper, may have the same opened at any time, so far as relates to the care, support and custody of the children. Parties against whom a judgment of divorce shall hereafter be rendered, without other notice than publication in a newspaper, may, at any time within two years after the rendition of such judgment, have the same opened and be allowed to defend as well on the granting of the divorce, as in relation to the allowance of alimony and the disposition of property; and until the expiration of said two years, it shall not be lawful for the party obtaining such divorce to marry again, which shall be stated in the decree of the court. Before any judgment shall be opened as above for any cause, the applicant shall file a statement of the causes relied upon, and give such notice thereof as the court in term time, or the judge thereof in vacation shall require, and when the causes specified by such applicant, relate to the granting of the divorce, alimony, and disposition of property, or either

of them, the applicant shall file an affidavit stating that during the pendency of the action, he or she received no actual notice thereof, in time to appear in court at the time of the trial of such action, and object to said judgment, and shall also pay such costs as the court may direct. Any property which may have been sold under any such judgment so sought to be opened, and which shall have passed into the hands of a purchaser or purchasers, in good faith, shall not be affected by any proceeding consequent upon the opening of such judgment.

Costs, payment of.
Property sold under such judgment sought to be opened shall not be effected if purchased in good faith.

SEC. 7. Divorces may be decreed by the superior, circuit and common pleas courts of this State, on petition filed by any person, who, at the time of the filing of such petition, is and shall have been a *bona fide* resident of the State for the last two years previous to the filing of the same, and a *bona fide* resident of the county at the time of and for at least six months immediately preceding the filing of such petition, which *bona fide* residence shall be duly proven by such petitioner to the satisfaction of the court trying the same, by at least two witnesses, who are resident freeholders and householders of the State. And the plaintiff shall, with his petition, file with the clerk of the court, an affidavit subscribed and sworn to by himself, in which he shall state the length of time he has been a resident of the State; and stating particularly the place, town, city or township in which he has resided for the last two years past; and stating his occupation, which shall be sworn to before the clerk of the court in which said complaint is filed.

Divorces may be decreed by what courts.
Petition.

Residence, length of time petitioner required to have resided in State and county.
Residence of petitioner how proven.

Plaintiff shall file with petition affidavit showing what.

SEC. 8. Divorces may be decreed upon the application of the injured party for the following causes, and no other:

Causes for which divorces may be decreed

First. Adultery, except as hereinafter provided.

Second. Impotency, existing at the time of the marriage.

Third. Abandonment for two years.

Fourth. Cruel and inhuman treatment of either party by the other.

Fifth. Habitual drunkenness of either party, or the failure of the husband to make reasonable provision for his family.

Sixth. The failure of the husband to make reasonable provisions for his family, for a period of two years.

Seventh. The conviction, subsequent to the marriage in any country of either party, of an infamous crime.

SEC. 9. Divorces shall not be granted for adultery in any of the following cases:

Adultery, when divorces shall not be granted for same.

First. When the offence has been committed with the connivance or consent of the party seeking the divorce.

Second. When the party seeking the divorce has volun-

tarily cohabited with the other, with knowledge of the fact, or has failed to file his or her petition for two years after he or she had discovered the same.

Third. When the party seeking the divorce has also been guilty of adultery under such circumstances as would have entitled the opposite party, if innocent, to a decree.

Causes for divorce, how specified in petition. Summons for defendant, how served.

SEC. 10. A petition for divorce shall specify the causes therefor with certainty to a common intent.

SEC. 11. The clerk of the court in which such petition is filed, shall issue a summons for the defendant to appear and answer said petition, which summons shall be personally served on said defendant, if a resident of the State, either by reading or leaving a copy thereof at his or her usual place of residence; such usual place to be the residence of such defendant at the time the copy is so left.

Non-resident defendant, notice by publication how made.

Publication in weekly newspaper.

SEC. 12. If it shall appear by the affidavit of a disinterested person that the defendant is not a resident of this State, the clerk shall give notice of the pendency of such petition, by publication for three successive weeks in some weekly newspaper of general circulation, printed and published in such county; or if there be no such paper, then in one printed and published in this State nearest to the county seat of such county: *Provided*, That in counties having a daily paper published therein, such notice shall also be published for a like length of time in such daily paper; *And provided further*, That the plaintiff shall, in case such notice is to be given by publication as aforesaid, before the same is given, file his or her affidavit with the clerk, stating therein the residence of the defendant, if such residence be known to the plaintiff, and if such residence be unknown to the plaintiff, such affidavit shall so state; and in case such affidavit state the residence of the defendant, the clerk shall forward by mail to such defendant the number of the paper containing such notice, with the notice marked.

Publication in daily paper, when to be made.

When notice is to be given by publication, plaintiff shall file affidavit.

When clerk shall forward defendant number of paper containing notice, &c.

When cause shall stand for issue and trial.

SEC. 13. The cause shall stand for issue and trial at the first term of the court after the summons has been personally served upon the defendant ten days, or publication has been made thirty days before the first day of such term.

Defendant shall answer petition under oath when.

Decree on default, admissions, &c.

SEC. 14. The defendant shall answer said petition under oath, if required so to do by the petitioner, but no decree shall be rendered on default without proof, nor shall any admissions made in said answer be used as evidence in any other case against said defendant, nor shall the denial under oath by the defendant of the facts alleged in the petition, render necessary any other or further proof by the complainant than would have been necessary if such denial had not been under oath.

SEC. 15. In addition to an answer, the defendant may file a cross petition for divorce, and when filed the court shall decree the divorce to the party legally entitled thereto. If the original petition be dismissed after the filing of the cross petition, the defendant may proceed to the trial of the cross petition without further notice to the adverse party, and the case upon such cross petition shall in all things be governed by the same rules applicable to a case on an original petition.

Cross petition; divorce may be decreed on same.

SEC. 16. Witnesses may be examined in court, or depositions taken and used as in other civil actions at the option of the party offering the testimony, but this section shall not be construed to authorize the taking of depositions where the witnesses can be compelled to attend and testify as provided by law in other cases, unless the judge, for good cause shown, shall otherwise direct.

Depositions, when the same may be taken and used.

SEC. 17. Pending a petition for divorce, the court or the judge thereof in vacation, may make, and by attachment enforce such orders for the disposition of the persons, property and children of the parties, as may be deemed right and proper, and such orders relative to the expenses of such suit as will insure to the wife an efficient preparation of her case, and a fair and impartial trial thereof, and on decreeing a divorce in favor of the wife or refusing one on the application of the husband, the court shall, by order, to be enforced by attachment, require the husband to pay all reasonable expenses of the wife in the prosecution or defense of the petition when such divorce has been granted or refused: *Providing*, That such orders shall be made under the same rules and regulations, and upon such notice as restraining orders and injunctions are granted in other civil actions, except that no bond shall be required of either party.

Pending petition orders may be made relative to persons, property and children, and expenses of defense by wife and such orders enforced by attachment.

Provided.

SEC. 18. A divorce granted for misconduct of the husband shall entitle the wife to the same rights, so far as her real real estate is concerned, that she would have been entitled to by his death.

Rights of wife to her real estate when divorce has been decreed on account of misconduct of husband.

SEC. 19. A divorce decreed on account of the misconduct of the wife shall entitle the husband to the same rights, so far as his real estate is concerned, as he would have been entitled to by her death.

Rights of husband to his real estate when divorce has been decreed on account of misconduct of wife. Alimony.

SEC. 20. The court shall make such decree for alimony in all cases contemplated by this act, as the circumstances of the case shall render just and proper, and such decree for alimony heretofore made or hereafter made, shall be valid against the husband, whether asked for in the petition or given by the judge on default.

SEC. 21. The court in decreeing a divorce shall make

Minor children custody of, &c.

provision for the guardianship, custody, support, and education of the minor children of such marriage.

Alimony to be decreed for sum in gross, but may be paid in installments on security being given, &c.

SEC. 22. The decree of alimony to the wife shall be for a sum in gross, and not for annual payments; but the court, in its discretion, may give a reasonable time for the payment thereof, by installments, on sufficient surety being given, and in all cases where alimony has been thus given by installments, or may hereafter be given, and the security required shall not be given within thirty days from the date of such decree, then the whole amount of such alimony shall become due and payable the same as if no such installments had been mentioned in the decree.

Divorce of one Party.

SEC. 23. The divorce of one party shall fully dissolve the marriage contract as to both.

Divorce decreed in other State.

SEC. 24. A divorce decreed in any other State by a court having jurisdiction thereof, shall have full effect in this State.

Marriages may be declared void when party was incapable of entering into such marriage contract. Children of such marriage, begotten before same is annulled, shall be legitimate.

SEC. 25. When either of the parties to a marriage shall be incapable from want of age or understanding, of contracting such marriage, the same may be declared void, on application of the incapable party, by any court having jurisdiction to decree divorces, but the children of such marriage, begotten before the same is annulled, shall be legitimate, and in such cases the same proceedings shall be had as is provided in applications for divorce.

Prosecuting attorneys shall resist petitions undefended.

SEC. 26. Whenever a petition for divorce remains undefended, it shall be the duty of the proper circuit or district prosecuting attorney to appear and resist such petition.

Repealing clause.

SEC. 27. The act approved May 13, 1852, on the subject of divorces, and the act approved March 4, 1859, amendatory thereof, are hereby repealed, but the repealing thereof shall abate no suit commenced under said acts, but the same may be prosecuted and defended under this act.

Suits commenced shall not be abated.

Emergency.

SEC. 28. An emergency exists for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

CHAPTER XLIV.

AN ACT to protect the ballot box, to procure a fair election, to define felonies and prescribe punishments therefor.

[APPROVED MARCH 8, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any person or persons passing from any State into this State, or from any county into another county of this State, or from any township into another township of this State, or from any voting precinct into another voting precinct of this State, and vote, or attempt to vote at any election which may be held therein, such person not being a bona fide resident of such township, or voting precinct, and entitled to vote therein, shall be deemed guilty of a felony.

Person passing from any State into this State, or from one county, township, or voting precinct into another of which he is not bona fide resident, for purpose of voting, &c., shall be deemed guilty of felony.

SEC. 2. Any person aiding, counselling, abetting, hiring or soliciting any person to come from any State into this State, for the purpose of voting at any election therein, or to pass from any county, to another county, or from any township into another township, or from any voting precinct into another voting precinct of the State, for the purpose of voting therein at any election held therein, such person so solicited, not being a legal voter in such county, township or precinct, such person so aiding, counselling, abetting, hiring or soliciting, shall be deemed guilty of a felony.

Person aiding counselling, &c. any person to vote at election, in State, county, township or precinct where he is not entitled to vote, shall be deemed guilty of felony.

SEC. 3. Any person voting more than once at any election in this State, either at the same precinct, or at different precincts, shall be deemed guilty of a felony.

Person voting more than once at same election shall be deemed guilty of felony.

SEC. 4. Any person hiring, buying, or offering to hire, or buy, either himself or by any one else, or furnish any money or other means to be used, or permit his money or other means to be used to hire, buy or induce any person to vote for any candidate for any office, or any person who shall attempt to induce any person to vote for any candidate by offering any reward or favour, shall be deemed guilty of a felony.

Person hiring, buying, &c., any person to vote for candidate for office shall be deemed guilty of felony.

SEC. 5. Any trustee, inspector, judge of elections, or clerk of elections, who shall take out of the ballot box any ballot legally deposited therein, for the purpose of destroying the same, or substituting another in its place, or shall after the same has been legally taken out, intentionally destroy or misplace the same, with the intent to substitute another ballot therefor, or with the intent to prevent the same from being counted at such election, or shall knowingly enter upon the poll books, the name of any person

Trustee, inspector, judge or clerk of elections who shall destroy or substitute ballots or take same from ballot box for that purpose, &c., shall be deemed guilty of felony.

who has not legally voted at such election, or shall intentionally tally any vote to any candidate not voted for by such ballot, or permit any one of these acts to be done, shall be deemed guilty of a felony.

Trustee, Inspector or other person, on their behalf, who with the intention to cheat or defraud &c., shall alter election returns &c., shall be deemed guilty of felony.

Clerk of court or other person, who, with intent to cheat and defraud, shall alter, &c., vote returned by board of canvassers shall be deemed guilty of felony.

Person guilty of violation of provisions of this law may be compelled to testify.

Person so testifying shall not be liable to prosecution in case in which he testifies.

Penalty.

Sections of laws repealed.

SEC. 6. Any trustee, inspector, or any person acting for, or on behalf of any trustee or inspector, whilst forming a board of canvassers, or before the canvassing of any board of canvassers, or after the adjournment of any board of canvassers, who shall, with intent to cheat and defraud, alter any election return, as made by the election board of any voting precinct, either by increasing the vote of any candidate, or reducing the same, or who shall intentionally destroy, misplace, or lose any poll book, or tally sheet, or any clerk of court who shall, with intent to cheat and defraud, change or alter in any way the vote of any candidate as returned by the board of canvassers, or any such trustee, inspector, clerk, or deputy clerk, or other person acting for such persons, who shall consent to the same being done, or who shall permit the same to be done, shall be deemed guilty of a felony.

SEC. 7. Any person concerned in the commission of any of the acts named in the preceding sections of this act, may be compelled to testify against the others therein concerned; *Provided*, That such person so compelled to testify, shall not be liable to prosecution in the given case in which he may be compelled to testify, nor any other, the knowledge of which is obtained by such testimony.

SEC. 8. Any person found guilty of a violation of any of the provisions of this act, shall be fined in any sum not exceeding one thousand dollars (\$1000,) be imprisoned in the States prison not less than one, nor more than five years, and be disfranchised for any determinate period.

SEC. 9. And that section fifty-seven (57) of an act entitled "An Act defining misdemeanors, and prescribing punishments therefor," approved June 14th, 1852, and section one and two of an act entitled "An Act to prevent emigration from any other State into this State, or from one county or township in this State, into another county or township in this State, for the purpose of influencing or carrying the elections in such other county or township and prescribing penalties against persons aiding, or abetting, or counselling, or engaged therein," approved May 6th, 1857, be and the same are hereby repealed.

CHAPTER XLV.

AN ACT to amend the fourth, fifth, twenty-sixth, thirty fifth, forty-third and fifty-eighth sections of an act, entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter." Approved January 27th, 1847.

[APPROVED MARCH 7, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fourth section of an act, entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27th, 1847, be amended to read as follows:

Each ward in said city shall be represented in the common council by two councilmen, who shall reside therein, and who shall be elected by the qualified voters of such ward.

SEC. 2. That the fifth section of the above entitled act be amended to read as follows: The mayor shall be elected by the qualified voters of the whole city, and shall hold his office for the term of three years, and until his successor shall be elected and qualified, except when he is elected to fill a vacancy, in which case he shall hold his office until the expiration of the term for which his predecessor was elected, and until his successor is elected and qualified, and each councilman shall hold his office for two years, and until his successor is elected and qualified, except that one of the councilmen from each ward, first elected under this act, shall hold his office but for one year, and the councilmen from each ward first elected under this act shall determine by lot after their election which shall hold his office for two years, and which for one year, and except a councilman shall be elected to fill a vacancy, in which case he shall hold his office until the expiration of the term for which his predecessor was elected, and until his successor is duly elected and qualified. The common council may provide by ordinance for the payment of a stated salary to the mayor and councilmen; *Provided*, That no ordinance increasing the salary of councilmen shall take effect until after the second annual election of councilmen after the passage thereof: *Provided*, That no member of the common council shall be allowed a greater sum than one hundred and fifty dollars in any one year for all services rendered by him as such member.

SEC. 3. That the twenty-sixth section of said above entitled act be amended to read as follows: The common council shall annually meet on the second Monday in

Sec. 4 amended.

Sec. 4 as amended.
No. of councilmen in each ward, residence of and by whom elected.

Sec. 5 as amended.
Mayor, election of and term of office.
Mayor, term of office when elected to fill vacancy.

Councilmen, term of office.
Term of office of councilmen to be determined by lot after first election.

Councilman, term of office when elected to fill vacancy.

Salaries of mayor and councilmen.

Proviso.

Section 26 as amended.
Annual and other meetings of common council.

Called meetings of common council by whom may be called, and how, &c.

When no quorum is present clerk shall adjourn meeting, &c.

Records of proceedings of com. council shall be kept by clerk.

Minutes to be read and signed and attested by whom.

Clerk shall take oath and give bond.

Finances of city an account to be kept.

City auditor to be appointed, his duties and powers.

City auditor, how and by whom appointed, term of office and compensation.

City auditor shall give bond.

March, and at such other stated times as by resolution, by-law or ordinance they shall appoint, and meetings of the common council may be called at any time by the mayor, and in his absence by a majority of the councilmen, and the common council when met may adjourn as well to any other time as to the regular time for stated meetings, but in all cases of called meetings notice thereof in writing shall be given to each councilman personally served if practicable, or left at his usual place of residence: *Provided*, That when a meeting is called by the councilmen it shall not be necessary to notify the councilmen calling the same. If a quorum of the council do not attend at any time and place appointed for a meeting, whether regular or called, it shall be the duty of the clerk to adjourn such meeting from day to day, until a quorum shall attend, or to the next regular time of meeting, or to any particular time prior thereto, as circumstances may require. The common council shall cause to be kept a full and fair record of their proceedings, and for this purpose it shall be the duty of the clerk to attend all meetings of the common council, and make out and keep a record of all its proceedings, and the minutes of the proceedings of each meeting being recorded shall be read over in the presence of the council, and if incorrect, corrected, and when found correct or made so, shall be signed by the mayor or other presiding officer of the meeting, and attested by the clerk or other person acting as such. The clerk before entering upon the discharge of his duties shall take an oath of office and give bond to the satisfaction of the council, conditioned for the faithful discharge of his duties. The common council shall also cause to be kept a full and complete account of all the financial operations of the city, including a full account of all its revenues and disbursements, and for this purpose it shall be the duty of said council to appoint some suitable person, not of their own body, as city auditor, whose duty it shall be to keep a full account of all said financial operations, including an account of all said revenues and disbursements, and to perform such other duties as may be required of him by ordinance, order or resolution of the common council, and he shall have such powers as may be conferred upon him in like manner by said common council. Such auditor shall be appointed by the common council upon the nomination of the mayor, and shall hold his office for two years and until his successor is duly appointed and qualified, and shall have such compensation for his services as may from time to time be fixed by the common council, and shall give bond to the satisfaction of the common council, conditioned for the faithful discharge of his duties. Such

auditor shall be appointed by the common council in the manner hereinbefore provided, on the second Monday in April, or as soon thereafter as practicable.

City auditor,
when to be ap-
pointed.

SEC. 4. That section thirty-five of said above entitled act be amended to read as follows: For the purpose of revenue the common council shall have the power to levy and cause to be assessed and collected once in each year an ad valorem tax upon all property, real and personal, within said city which is or may be subject to taxation for county purposes, whether such money or capital be actively employed or not, and on all money bearing interest and payable to any inhabitant of said city, and also a poll tax of not exceeding one dollar upon every male inhabitant of said city, of the age of twenty-one years and upwards, and sane and not a public charge as a pauper, and also a special tax on dogs and bitches: *Provided*, That such ad valorem tax shall not exceed one and one-fourth per cent. upon the value of the property, capital or money taxed: *Provided, also*, That in assessing such tax, the improvements or parts thereof on real estate may be included or excluded at the discretion of the common council, and a portion of said moneys, and all or part of the penalties to be collected under this act, and the laws and ordinances made in pursuance of it may be appropriated at the discretion of the common council for the support of the common schools within said city.

Section 35 as
amended.
Ad valorem tax
may be assessed
and collected on
what property.

Poll tax.

Dogs and bitch-
es, tax on.
Ad valorem tax
shall not ex-
ceed what.

Improvements
may be includ-
ed or excluded
from taxation.
Portion of
money arising
from taxation
may be applied
for support of
common schools
of city.

SEC. 5. That the forty-third section of said above entitled act be amended to read as follows: All taxes upon real estate, shall from the time the assessment roll is made out and completed, be a lien on such real estate to the same extent as judgments of courts of record, and continue a lien until such taxes are paid, and have a preference of all private claims, and all taxes on personal estate shall have a preference of all private claims. There shall be a penalty of ten per centum upon all taxes due by each person when the same remain unpaid after the expiration of three months from and after the time when the duplicate assessment roll shall have been made out and completed, and placed in the hands of the collector for collection in each year, and six per centum per annum interest shall be charged thereon from and after the expiration of the said three months, both of which shall be assessed by the collector, and shall be a lien on said property to the same extent as the aforesaid taxes.

Section 43 as
amended.
Taxes on real
estate shall be
a lien thereon.

Penalty and
when the same
shall attach on
unpaid taxes.

Interest on un-
paid taxes.

Interest shall
be lien.

SEC. 6. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER XLVI.

AN ACT to amend section 433, of an act entitled "An Act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852.

[APPROVED FEBRUARY 21, 1873.]

Section 433
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 433 of an act entitled "An Act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, be and the same is hereby amended as follows, viz:

Sec. 433 as
amended.
Sheriff shall
serve execution
on defendant,
levy same, and
if not paid
make at least
one offer to sell
property with-
in sixty days,
unless other-
wise directed,
&c.

When an execution against the property of any person is issued to the sheriff, he shall serve said execution, upon the defendant or defendants in said county, and levy the same, if not paid upon property, and make at least one offer to sell property levied upon within sixty days after such execution comes to his hands, if property can be found, unless otherwise directed by the plaintiff or plaintiffs, or his or their agents.

CHAPTER XLVII.

AN ACT to encourage agriculture and agricultural fairs by the purchase and improvement of fair grounds.

[APPROVED MARCH 8, 1873.]

When board of
commissioners
may purchase
real estate for
agricultural
and horticul-
tural fairs.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the board of commissioners, on petition of a majority of the voters of said county, of any county in this State, to purchase in the name, and on behalf of such county, real estate to be used for the 'purposes of agricultural and horti-

cultural fairs; such real estate so purchased, together with the improvements thereon, shall not exceed in cost, to such county, the sum of five thousand dollars. The deed for such real estate so purchased shall be made to such county under the direction of its board of commissioners, who shall require from the grantor a good and sufficient warranty deed.

Cost of such purchase shall not exceed what amount. Deed for such real estate to whom to be executed, &c.

SEC. 2. Such real estate so purchased shall be paid for by such commissioners out of the general fund of such county, but such purchase money shall not be paid over to the grantor until he shall have delivered to such commissioners for such county, the deed of conveyance mentioned in the the first section of this act, and when such deed is so delivered, such commissioners shall direct the auditor to draw an order on the treasurer of such county for such purchase; *Provided*, That said commissioners shall first procure from the grantor or grantors, an abstract of title certified to by the clerk and county recorder, showing that the title is clear, free and unincumbered.

Payment of purchase money for such real estate.

Abstract of title shall be furnished.

SEC. 3. If at any time after the purchase of such real estate, the same or any part thereof shall no longer be an eligible location for such fair or fairs, or shall cease to be necessary for such purposes, then it shall be proper for such board of commissioners to sell and convey such real estate or any part thereof, for the best price it will bring, and they shall turn the proceeds of any such sale into the county treasury.

When lands so purchased become ineligible, &c., the same may be sold and proceeds therefrom paid into county treasury.

SEC. 4. Whereas an emergency exists for the immediate taking effect of this act, therefore, the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER XLVIII

AN ACT regulating the fees of officers, and providing penalties for its violation; repealing certain acts therein named, and providing duties to be performed by State, county and township officers, and matters properly connected therewith, and declaring an emergency.

[APPROVED MARCH 8, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the persons and officers in this act named shall be entitled to receive for their services the

fees allowed and set out in this act, and no others, except as otherwise provided by law.

FEES OF THE CLERK OF THE SUPREME COURT.

Clerk of su-
preme court,
fees of.

SEC. 2. The fees of the clerk of the supreme court shall be as follows, to-wit:

Every writ of process, under seal.....	1 00
Filing each paper in a cause.....	05
Copy of a record or other paper, per sheet of one hundred words, (four figures counting as one word) or if the whole number of words in such copy be less than one hundred.....	10
Dismissal of a cause.....	10
Bringing a particular record into court to be used in a cause.....	10
Entering satisfaction of record.....	10
Taking, approving, and recording official bond....	1 50
Entering defendant's appearance to action.....	05
Entering action on docket.....	15
Entering judgment.....	20
Administering an oath.....	05
Making complete record after judgment, per sheet of one hundred words, counting four figures as one word....	15
Searching records within one year.....	10
Each year back....	05
Entering continuance of cause from one term to another	20
Every issue joined.....	25
Entering any principal motion.....	10
Certificate and seal....	50
Making out advertisement for non-resident defendant.....	
For every one hundred words, (four figures counting as one word,) contained in any writing required by law to be done by him, and for which there is no specific allowance.....	10
Endorsing on supersedeas direction to the clerk of the inferior court....	25
Docketing judgment.....	15
Issuing fee bill for fees not his own.....	50

SECRETARY OF STATE'S FEES.

Secretary of
State, fees of.

SEC. 3. The fees of the Secretary of State shall be as follows:

For each certificate with seal.....	1 0
For each commission to a notary public.....	1 0
For each commission to a commissioner of deeds,	

and filing qualification.....	2 00
For each attestation and seal, other than herein excepted	1 00
For filing and recording each article, charter or certificate of incorporation, not exceeding two hundred words.....	1 00
For all recording and copying of records, papers and documents not otherwise provided for, per hundred words.	15
such fees to be paid by the party for whom the service is rendered; <i>Provided</i> , That no fees shall be charged against the United States, or this or other State, or any county of this State, nor against any officer of either of them, for any attestation, certificate or paper required by them in an official use.	

CLERK'S FEES.

SEC. 4. That the clerks of the several courts of this State shall tax, and charge upon proper books to be by them kept in their office, for the services by them performed in the circuit or other courts of the several counties, the fees and amounts following, to-wit:	Clerks of circuit and other courts, fees of.
Clerks shall be allowed per day during each term of court, when actually present and attending court, for their services.	3 00
For each writ, summons or other process under seal, except fee bill, execution and subpoena.....	50
For each subpoena to include all witnesses of one county called for at one time	50
For each subpoena before the grand jury ordered by the foreman, to be paid out of the county treasury, to include all witnesses from one county called for at one time.....	50
For each one hundred words of copy of any record or paper when required, (four figures counting as one word)	15
For filing each paper other than process, except in estates and guardianships.....	05
For all entries in order book or other record, when no specific fee is allowed, per one hundred words, (four figures counting as one word).....	15
For entering the dismissal of a cause.....	20
For bringing a record into court, upon order.....	10
For entering satisfaction of record.....	15
For receiving and entering a verdict.....	10
For entering defendant's appearance to action....	05
For empanneling and swearing each jury.....	10
For taxing fees on fee book per one hundred words	

(four figures counting as one word).....	15
For administering each oath in court, to include all persons sworn at one time.....	05
For making complete record per one hundred words (four figures counting as one word).....	15
For making out notice to non-resident defendant..	50
For marriage license and recording certificate of marriage.....	2 00
For recording certificate of an estray.....	50
For taking, approving and attesting stay of execution, including all affidavits.....	25
For issuing fee bill, execution or decree, sealing, certifying, docketing and recording return of same and including all such services.....	1 50
For filing, recording and docketing a transcript of judgment to become a lien on real estate and entering satisfaction of same.....	1 00
For each affidavit not otherwise provided for.....	25
For each certificate and seal except to process and affidavits, and except as to soldiers and seamen, their widows and heirs in application for pay, bounties and pensions.....	50
For taking, approving and recording official bonds	1 00
For attending as clerk for board of canvassers, per day.....	3 00
For issuing and recording declaration and naturalization of any person desiring naturalization....	1 00
For issuing certificate of naturalization and affidavit of abjuration of allegiance.....	1 00
For entering each cause on the several dockets of the court, including all bar dockets for the first term such cause is in court.....	30
For each term after the first.....	20
For docketing each cause on the judgment and execution docket.....	15
Clerks shall tax in each civil cause to the losing party as a part of the costs of the case to be collected, as the other costs are paid into the county treasury, a docket fee of.....	2 00

IN CRIMINAL PROCEEDINGS.

Fees of clerks
in criminal
proceedings.

For taking a recognizance.....	40
Every writ or other process.....	50
Entering defendant's appearance.....	05
Making record per one hundred words.....	10
Copy of record when required per sheet of one hundred words, (four figures counting as one word)	10
Filing each paper in a cause.....	05

Empanneling and swearing each jury.....	25
Swearing each witness or bailiff ..	05
Receiving and entering verdict.....	10
Entering defendant's plea of guilty.....	20
Discharging a recognizance.	25

IN RELATION TO GUARDIANSHIPS AND ESTATES.

For all copies per one hundred words, (four figures counting as one word).....	10	Fees of clerks in guardian-ships and estates.
Administering an oath.....	05	
Each writ required by law.....	50	
For letters of guardianship or administration, and recording the same, including all oaths and affidavits, and the approval and recording of the bond,	2 00	
Proving a will and endorsing the certificate thereon.....	1 00	
Proving a codicil and endorsing the certificate thereon.....	50	
Recording inventory, account current or sale bill per one hundred words, (four figures counting as one word).....	10	
Giving each notice required by law.....	50	
Entering each order, and recording the same.....	10	
Recording a will per one hundred words, (four figures counting as one word).....	10	
Each affidavit not otherwise provided for.....	25	
For certificate and seal.....	50	
For entering each estate and guardianship in the several dockets of court.....	25	
No estate or guardianship shall be docketed more than once except on the special order of record of the proper judge.		
For entering the continuance of an estate or guardianship to be charged only when specially ordered by the court.....	15	
Filing each paper.....	03	
For making up entries and records required by law, and not herein provided for, per one hundred words, (four figures counting as one word).	10	
For every trial.....	25	

In estates of \$500.00 and under, taken by the widow, no costs or fees shall be taxed or collected.

In estates of \$500 and less taken by widow no fees, &c. Clerks shall keep cash book, &c.

The clerk shall keep a cash book in which he shall enter consecutively, and as received, each sum of money by him received, with the date of such receipt, with a brief mention of the cause or matter in which it was received, which shall be kept open for inspection during his continuance in office, and shall be delivered to his successor in office.

Clerk shall keep register of witness and other fees and how same shall be kept, &c.

Such clerk shall also keep a register of witness and other fees not his own, in which he shall enter as soon as received the names of all persons (alphabetically) for whom money has been paid into his hands, stating plainly the name, in what cause and in which fee book and page taxed, the amount so paid, when paid into his hands, and when paid out, which book or register shall be at all times open for inspection, in some conspicuous place in his office, and shall turn the same over to his successor in office.

TREASURER'S FEES.

County treasurer's fees.

SEC. 5. The county treasurers of the several counties shall receive the fees below enumerated and no others, to-wit:

Five per centum on the first twenty-five thousand dollars of taxes collected.

Four per centum on the next ten thousand dollars.

Three per centum on the next five thousand dollars.

Two per centum on the next five thousand dollars.

And on all sums thereafter one per centum.

Fees of county Treas. on delinquent taxes collected.

Mileage.

Also five per centum on all delinquent taxes collected, when paid voluntarily and without levy, and ten per centum if paid after levy; and the treasurer shall also be allowed the same fees and charges, except mileage, for making distress and sale of goods and chattels for the payment of taxes, as may be allowed by law to constables for making levy and sale of property on execution; and for their services in going to and returning from Indianapolis, to make deposits with the treasurer of State, and to make their annual settlement with that office, shall be allowed mileage for the number of miles from each county respectively as now allowed by law. For receiving and disbursing all funds other than taxes or school funds, and funds arising from the sale of county bonds, they shall receive five per centum, *provided, however*, that the treasurer shall only receive one per cent. for receiving and disbursing moneys borrowed by the county.

Fees for disbursing funds.

COUNTY AUDITOR'S FEES.

County Auditor's fees.

SEC. 6. The county auditor's fees shall be as follows, to-wit:

For all records, copies and other writing, not herein otherwise provided for, for each one hundred words, (three figures counting as one word).....	10
For filing each paper, except county orders and receipts for road taxes.	05
For filing and preserving assessor's blanks, to	

include all statements made by the person assessed	03
For each county order issued.....	05
For each county order registered.....	05
For each tax certificate and seal.....	50
For each acknowledgment, to be paid by the person for whom the service is rendered.....	25
For assignment of tax and school certificates and recording the same, to be paid by the assignor...	50
For each oath administered, including all sworn at the same time.....	05
For each tax deed, to be paid by the person receiv- ing such deed, including acknowledgment and registry.....	1 00
For each certificate and seal, to be paid by the per- son requesting the same.....	50
For writing affidavit and swearing affiant thereto, to be paid by the party requesting it.....	25
For each license, to be paid by the licensee.....	1 00
For each parcel or tract of land sold for taxes, to be paid by the owner of the land sold.....	10
For taking and approving bonds and recording the same, to be paid by the party giving the same.....	1 00
For registering each receipt given by the county treasurer	03
For each quietus for treasurer's receipt.....	03
For each quietus for land redeemed, to be paid by the person redeeming...	25
For each writ, notice or process required to be un- der seal.....	50
If not under seal.....	25
For each subpoena, including all witnesses of a coun- ty called for at one time.....	50
For each day engaged with board of assessors, board of equalization and county commissioners	3 00
For every entry and transfer of land for taxation, to be paid by the person requesting such transfer, for each tract or town lot	10
For plat of subdivisions required for appraisers of real estate, for each congressional township.....	1 00

In trials before the board of county commissioners, the auditor shall be entitled to the same fees as are allowed clerks of the circuit court for similar services, which shall be paid as such board may order.

Fees of Aud. in
trials before
Commissioner.

For search of records, to be paid by the person for
whom the service is rendered..... 25 |

The auditor is authorized to issue fee-bills according to the law regulating the issuing thereof, and shall be allowed the same fees therefor, as are allowed the clerk of the circuit court.

Fee-bills.

Fees on school funds disbursed.

The auditor shall be allowed one fourth of one per cent. on all school funds disbursed by said auditor. For issuing notice to board of viewers or reviewers of roads, appointed by the county commissioners, . 50 For making out for county appraiser plats for towns or cities, additions and subdivisions thereto, for each lot so platted. 05

County Commissioners may make certain allowances to Co. Aud., when, in what amt. and for what services.

At the June session of the board of county commissioners, for the year 1873, they may make such reasonable allowance to the county auditor, in addition to the compensation provided by this act, for making plats of congressional townships for the use of county auditors, as may in their opinion appear just and proper, and for footing tax duplicates and delinquent records, making settlement sheets for auditor of State, and superintendent of public instruction, and the annual statement of the receipts and expenditures of the county, such board may make such allowance, to be paid out of the county treasury, not to exceed three hundred dollars, for the year ending on the 31st of July of each year, as they may deem just and right; *Provided*, That before such allowance is made, the auditor shall make out an itemized statement of the amount claimed for such services, and file the same with such board.

Auditor to make itemized statement.

Aud. shall make quarterly itemized statement to the Board of Co. Com.

SEC. 7. The auditor shall make out quarterly an itemized statement of fees due him from the county, and attach thereto his affidavit that the services therein set forth have been performed, and that the same is correct, which said account shall be carefully examined by the board of county commissioners, and if found correct, shall be allowed and ordered to be paid out of the treasury of the county.

Allowance.

SHERIFF'S FEES.

County Sheriff's fees.

SEC. 8. The sheriffs of the several counties of this State shall tax up and charge the following fees, to-wit: For serving a writ and taking into custody. 50 For every mile necessarily traveled in going and returning to serve process. 10 Taking bail. 25 Taking recognizance, and drawing it up in form, 50 Returning writ. 10 Summoning a jury, with mileage, as above. 3 00 Executing a writ of possession, and mileage as above. 1 00 Calling a jury in each cause. 10 For every person committed to jail. 50 Discharging every person out of jail. 40 Holding an inquisition, drawing up and returning

the same	1 50
Serving a summons, with mileage as above.....	50
Serving a subpoena, with mileage as above.....	40
Attending a prisoner before a judge, when surrendered by his bail, and receiving a prisoner into custody.....	50

Selling property on execution, a commission of five per centum on the first three hundred dollars, and one and one-half per centum on any excess above that amount; but when the money is paid to him without sale, one-half the above commission only shall be allowed.

Taking a valuation of lands.....	1 00
Taking a replevin bond.....	75
Serving a <i>capias ad satisfaciendum</i>	1 00
Levying on property and advertising the same without sale.....	1 00

Mileage as above, when no money is made; and no other fee or reward shall be allowed on executions, except for the expense of keeping property.

Making a deed of sale of real estate on execution or decree and certificate.....	2 00
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Serving writ of attachment when property is taken with mileage as above.....	50
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For each day after the first, in making inventory and appraisement of property taken under writ of attachment.....	2 50
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Returning same.....	25
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For the actual number of miles necessarily traveled in going and returning to post up notices for the sale of any real or personal property, to be taxed and collected as the other costs in the cause are taxed, for each mile so traveled.....	10
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For taking each convict to State's prison per mile, going and returning.....	15
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And for each additional convict taken at the same time, the actual expenses of the additional convict shall be paid out of the State treasury on certificate of the warden of the prison. Sheriffs shall not be entitled to any fees for services performed by their bailiffs when such bailiffs are receiving pay by the day from the county at the time such services are rendered. The sheriff shall appoint as many bailiffs at each term of the court as the business of the court and grand jury shall require, under the advice and consent of the judge of the court; paying court bailiffs	2 50
And riding bailiffs.....	3 50

Fees of sheriffs on property sold on execution.

When sheriffs shall not receive fees for bailiffs.

Sheriff shall appoint what number of bailiffs.

The fees taxed by the bailiffs on any process served by him shall be collected and paid into the county treasury.

Fees taxed by bailiffs.

Postage.

For postage paid on letters received from or directed to the clerk of the supreme court enclosing process issued by said court, the amount thereof to be returned as an item of charge.

Boarding prisoners.

For boarding each prisoner lawfully in his charge, per day, sixty cents, to be paid out of the county treasury.

In criminal cases not provided for, the like fees as for services in civil cases shall be allowed.

Fees for taking persons to asylum and other places, &c.

For taking persons to Insane Asylum and House of Refuge, the same compensation as he is allowed for taking convicts to the State Prison, to be paid out of the county treasury.

For collecting fee bills, six per cent. on the amount thereof.

For taking a prisoner to another county, the same compensation as allowed for taking a prisoner to the State's Prison, to be paid by the county requiring the services.

For each commitment or discharge of a prisoner under the authority of any city or incorporated town, to be paid by such city or town. 50

For each day while in actual attendance on court, there shall be allowed by the court, and paid out of the county treasury to the sheriff 3 00

When allowance to be made to sheriffs by Board of Co. Commissioners.

In all cases where the sheriff shall perform any service for the county, required by law to be performed by him, and there is no provision for its payment, the board of county commissioners shall allow and pay to such sheriff the same compensation as is allowed by law for similar services, but the sheriff shall make out an itemized statement of all such services performed for such board before such allowance is made.

LEGAL ADVERTISING.**Legal advertising by county officers, cost of and how paid.**

SEC. 9. Legal advertising, growing out of any transaction or connected with the performance of any duty of the sheriff, clerk, treasurer, auditor, executors, administrators, guardians, trustees and assignees, (except the printing of the delinquent tax list,) shall be by such officer charged up, collected, and paid over to the printer, and when such printing is done for the county, the board of county commissioners shall allow the same and pay it out of the county treasury according to the rate herein fixed.

The compensation of such printer for such legal advertising shall be as herein set forth, to-wit:

For each advertisement per square of two hundred and fifty ems, first insertion 1 25
For each additional insertion 75

And in case such officers shall be unable to procure such

advertising for the price fixed herein, it shall be sufficient for him to post up written or printed notices as the law requires, and such advertisement in a newspaper shall in such case be dispensed with.

RECORDER'S FEES.

SEC. 10. The fees of county recorders shall be as follows, Recorder's fee.
to-wit:

For recording deeds and mortgages and indexing the same.	1 25
For certificates not under seal and taking acknowledgment of deeds and mortgages.	25
For each certificate and seal.	50
For recording all other instruments and giving certified copies of any record, per each one hundred words.	10
For recording town plat, the first one hundred lots or under.	3 00
For each additional lot.	01
For issuing fee bills for fees not his own, sealing and certifying the same.	50

SEC. 11. It shall be the duty of every recorder in the several counties of this State, at the expiration of his term of office, to deliver over to his successor in office, all deeds, mortgages, and other instruments in his hands left for record, whether the fees for recording the same have been paid or not; and it shall be the duty of all ex-recorders who have withdrawn such deeds, mortgages or other instruments from the recorder's office, to deliver the same to his successor in office, or the recorder of said county where such deeds, mortgages, or other instruments shall be at all times kept until paid for and withdrawn by the parties entitled thereto; but such retiring recorder may have the fee bills delivered to him for any such deeds, mortgages, or other instruments on which he has fees for recording the same remaining unpaid, and the acting recorder may demand his fees in advance, and before entering and recording any such deeds, mortgages, or other instruments.

Recorders shall deliver to successor deeds, mortgages, &c. Ex-Recorders shall deliver to their successors deeds, &c., withdrawn.

SEC. 12. In cases where recorders, clerks, auditors, or other public officers have recorded any deed, mortgage, or other instrument in a printed record or book, the same in all such cases are hereby legalized, and county recorders are prohibited from using such printed forms for record books in which to record any instrument after such printed records as may now be on hand and in use belonging to the county are filled.

Fee bills, &c.

Deeds &c. recorded, in printed record, legalized but printed forms prohibited in the future except, &c.

COUNTY SURVEYOR'S FEES.

County survey-
of's fees.

SEC. 13. The county surveyor's fees shall be as follows, to-wit:

For every corner by him located or perpetuated....	1 00
For every line run in dividing and running up sections or parts of sections, per mile.....	1 00
For going to and returning from a survey, for each mile necessarily traveled.....	10
Attending court per day as skilled witness in relation to any survey.....	2 50
Surveying a town lot.....	2 00
Every additional lot at one time....	1 00
Running a division line one mile or under.....	1 00
For every survey by him plainly bounded, as the law directs, and for a plat of such survey, after the delivery of such plat, where the survey shall not exceed four hundred acres.....	5 00
For every one hundred acres or less of land contained [in] one survey above four hundred acres..	1 00
Surveying an acre of land or under.....	1 50
Services in locating roads by authority of law per day.....	2 50
And for each mile necessarily traveled.....	10
Copy of plat of land or certificate of survey.....	1 00
Making out a complete report of survey made of any road, including field notes, etc.,.....	1 00
If such survey exceeds five miles.....	2 00
In all surveys made by authority of the board of county commissioners or township trustee, chain men and [axe] ex-men shall receive per day	1 50

COUNTY COMMISSIONER'S FEES.

County com-
missioner's
fees.

SEC. 14. The county commissioner's fees shall be as follows, to-wit:

For each day's attendance as a member of the county board or board of equalization, each commissioner shall receive.....	5 00
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ROAD VIEWER'S FEES.

Road viewer's
fees.

SEC. 15. Viewers and reviewers of roads shall receive fees as follows, to-wit:

For each day engaged in viewing or reviewing a road, by order of county board ...	2 50
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Prosecuting
and district at-
torney's fees.

CIRCUIT AND DISTRICT PROSECUTING ATTORNEY, AND PROSECUTING ATTORNEYS OF CRIMINAL CIRCUIT COURTS' FEES.

SEC. 16. The circuit, criminal circuit and district pros-

ecuting attorney's fees shall be as follows, to-wit:

For docket fee on plea of guilty in felony.....	7 00
Docket fee on plea of guilty in misdemeanor.....	5 00
Docket fee before a justice of the peace, on plea of guilty, or on conviction.....	5 00
Docket fee in divorce case, when successfully resisted, and to be taxed as costs and paid by the losing party.....	5 00
Docket fee upon forfeited recognizance.....	10 00
And when he prosecutes to final judgment against the defendant, ten (10) per cent. on money collected.	
Docket fee on plea of not guilty, in felonies.....	10 00
Docket fee on plea of not guilty, in misdemeanors.	7 00
In all other cases where the circuit, criminal circuit or district prosecuting attorney is required to prosecute or defend, the fee shall be.....	10 00

JUSTICES FEES.

Sec. 17. The fees of justices of the peace shall be as follows, to-wit:	Justices of the peace. Fees.
For each summons or capias.....	40
Every examination on a criminal information or oath.....	50
Swearing each witness.	05
Every warrant in a criminal cause.....	40
Every trial, on complaint, for unlawful detention of lands or tenements.....	1 00
Issuing every attachment for contempt.....	40
Taking an acknowledgment of a deed or power of attorney.....	25
Order for removing pauper from county....	50
Certifying description of a boat adrift or an estray,	25
Warrant of certificate of appraisement.....	25
Taking and certifying depositions.....	25
And for each one hundred words therein.....	10
For each process required by law and not herein enumerated.....	40
For every writing or record not herein provided for, every one hundred words	10
Every trial on default.....	25
Every trial where defense is made.....	1 00
For each additional day.....	1 00
For certifying copies of all proceedings for each per one hundred words.....	10
Entering continuance,.....	10
Every bond or recognizance.....	25
Every venire for summoning a jury.....	35
Supæna for witness to include all called for at one time.....	40

Each transfer, assignment or docket of judgment. . .	25
Issuing execution.	35
Each oath not herein otherwise provided for. . .	05
For filing each paper except process.	05
Rendering every final judgment.	25
Trial of right of property and judgment.	1 00
Swearing jury.	10
Making up docket for every one hundred words. . .	15
Each writ of attachment against property.	50
Making return of fines, for each mile necessarily traveled, to be paid out of the county treasury. .	10
Transmitting papers in case of appeal.	25
Writing an affidavit.	25

JUROR'S FEES.

Juror's fees.

SEC. 18. Fees of jurors shall be as follows, to-wit:	
Every juror shall receive in the criminal court, to be paid out of the county treasury, per day. . .	2 50
And for each mile necessarily traveled.	05
Every juror shall receive in the circuit court, court of common pleas and superior court, to be paid out of the county treasury per day.	2 50
For each mile necessarily traveled.	05
Every grand juror sworn, for his services as such, to be paid by the county, per day.	2 50
And for each mile necessarily traveled.	05
Every juror for attending a trial per day before a justice of the peace, to be taxed with the costs of the suit.	1 00
And for each mile necessarily traveled.	05

CONSTABLE'S FEES.

Constable's
fees.

SEC. 19. Constables shall receive fees as follows, to-wit:	
For serving a summons or warrant on each person named therein.	25
For every mile traveled in going and returning to serve process or subpoena.	10
When two or more are named in such process, mile- age shall be allowed for the distance necessarily traveled.	
A copy of the process left at the defendant's resi- dence.	25
Serving subpoena for each person therein named. .	20
Returning each writ.	10
Bail Bond.	25
Serving execution and mileage as above.	25
Commitment to prison.	50
Sale of goods, when the amount of goods does not exceed six dollars.	25
On all sums above six dollars, five per centum. on all	

moneys collected on execution without sale, half of the above commission.

Returning execution.....	10
Summoning a jury in any case.....	1 00
Attending a jury trial.....	50
Posting up advertisement of sale....	30
Constable's fees in criminal cases, for serving warrant on each person named therein.....	50
Serving subpoena.....	25
Traveling to serve process, per mile.....	10
Attending examination or trial of a person charged with a crime or misdemeanor.....	50
If more than one, an additional for each of.....	25
Commitment of each person to prison.....	50
And for each mile necessarily traveled.....	10

For services not herein enumerated the same fees as in civil cases.

WITNESS FEES.

SEC. 20. Witnesses' fees in the circuit, common pleas, superior, and criminal courts shall be as follows, to-wit: Witnesses fees in circuit and other courts.

Every witness attending in his own county, per day.....	1 50
Every witness attending from another county, per day.....	1 50
For each mile necessarily traveled in going to and returning from court from his residence, not to be computed beyond the limits of adjoining county.....	05

SEC. 21. Witness fees before a justice shall be as follows, to-wit: Witnesses fees before justices.

Attending per day.....	75
And mileage for each mile necessarily traveled....	05

NOTARY PUBLIC'S FEES, [AND FEES COMMISSIONERS OF DEEDS.]

SEC. 22. The fees of notaries public and commissioners of deeds shall be as follows, to-wit: Notaries Public and Commissioners of deeds' fees.

For each certificate and seal.....	50
Taking depositions or other writing, for each one hundred words.....	10
Administering an oath.....	10
For each protest.....	50
Each notice thereof.....	25
When required, for each one hundred words in recording or copying such protest.....	10
Taking an acknowledgment of a deed, mortgage, or power of attorney, or other instrument, and	

seal.....

25

CORONER'S FEES.

Coroner's fees.

SEC. 23. The fees of coroners shall be as follows, to-wit:

Impanneling and swearing a jury and witnesses,
and making and returning inquisition for the
view of each body for first day 10 00
For each additional day..... 5 00
And mileage for each mile necessarily traveled.... 05

Such coroner shall have power to employ a clerk to take down the evidence at any inquisition, to compel the attendance of jurors by attachment during the progress of the inquisition; and also to compel the attendance of witnesses by attachment.

TOWNSHIP TRUSTEES' FEES.

Township trustee's fees.

SEC. 24. The fees of township trustees shall be as follows, to-wit:

For each actual day's service they shall be allowed, to be paid out of the township fund..... 3 00

But in estimating such number of days, fractions of a day less than one-half shall not be counted, and fractions of a day greater than one-half shall be counted a whole day.

SEC. 25. In all cases hereafter where jurors are impaneled by any coroner, they shall receive one dollar per day, which amount shall be certified by such coroner, to the auditor of the county.

COUNTY ASSESSORS' AND DEPUTIES' FEES.

County assessors and their deputies fees.

SEC. 26. County assessors and their deputies shall be allowed the following compensation, to be paid out of the county treasury:

The county assessor shall receive for each day actually employed..... 4 00
Deputy assessor for each day actually employed .. 3 00

No allowance shall be made or paid out of treasury to county officer in criminal cause, nor for extra service or deputy hire.

SEC. 27. No allowance shall be made or paid out of the county treasury by any judge of court or board of county commissioners for any service rendered by any county officer in a criminal cause; nor for any service rendered in a civil cause, where there is no provision of law authorizing such allowance and payment, nor for any extra services as such officer, nor for deputy hire.

Sec'y And. and Treas. of State to furnish

SEC. 28. The secretary, auditor, and treasurer of State shall furnish, at the expense of the State, the necessary

records, books, and stationary for the offices of secretary, auditor, and treasurer of State, and for the adjutant general and clerk of the supreme court, and fuel and stationery for the use of the General Assembly.

records, books, &c., for what officers and Gen. Assembly.

SEC. 29. If any of the officers named in this act shall tax any fees or make any charges for services not by him performed, or shall charge for such services any higher rate than is allowed by this act, any such officer shall be fined in any sum not less than five dollars, to which may be added imprisonment in the county jail for any period not exceeding one year; and any such officer so offending a second or subsequent time, upon conviction of any such offense, shall forfeit the office by him held and exercised, and rendered incapable of holding any office of trust or profit for such determinate period as the court or jury trying the case may fix.

Penalty for taxing fees and charging for services not authorized by law.

SEC. 30. All fees of coroner's inquest shall be paid out of the county treasury.

Fees of coroners for inquests and payment of.

SEC. 31. The clerks of the supreme, circuit, common pleas, superior, and criminal courts shall post up in some conspicuous place in their offices, and there keep a table of their fees; and on failure so to do, shall have no right to demand or receive any fees for services rendered by them, as such clerk, during the time such tables are not so posted up.

Clerks of courts shall post up table of fees, &c.

SEC. 32. Witnesses shall claim their fees at such term as they attend, and not afterwards; and clerks shall note such fees at the time they are claimed. And the sheriffs and coroners are hereby required to endorse, upon all process directed to them, their fees at full length; and all clerks shall, in a book to be kept for that purpose, enter all the fees as the services are rendered; and the clerk of the supreme court, or of any inferior court of record, shall have power, while he is in office, to issue fee bills from the books aforesaid, and the records and papers on file in his office for services rendered by himself, or for services rendered by any other person in said court, at any time after such services are rendered.

Witnesses fees, when to be claimed.

Sheriffs and coroners shall endorse fees on process. Clerk shall enter his fees in book

Fee bills.

SEC. 33. No action shall be maintained on any fee bill due to any person so long as the party owing shall reside within the jurisdiction of the court issuing the same.

When action not to be maintained on fee bill.

SEC. 34. Each circuit court, court of common pleas, superior and criminal court, or a judge thereof in vacation, or a justice of the peace, as the case may be, if a question arise concerning any bill of costs, or if the person charged therewith shall allege payment thereof, shall, upon motion of any party interested therein, and reasonable notice thereof, determine according to the rights of the parties thereto, and make orders accordingly.

Judges and justices shall determine in certain cases costs and rights of parties thereto.

Fee bill not to be issued after five years, until after notice, &c.

SEC. 35. After five years from the termination of any suit, in which services have been rendered, no fee bill shall issue for such services, until the party claiming the same shall give five day's notice, in writing, to the party charged to appear before the court in which the fees accrued, or the judge thereof in vacation, or a master in chancery, or a justice of the peace, as the case may be, and show cause against the issuing thereof, and then, if no sufficient cause be shown, the court, judge, master in chancery, or justice of the peace, as the case may be, shall order the said fee bill to be issued.

Fee bill, how made out and collected

SEC. 36. Every fee bill shall be made out in words at full length and figures, with a statement of each item in plain phraseology, and each officer may, at the foot of any of his fee bills, make out a mandate to the proper officer commanding him to collect the same, as required by law, and make due return thereof, and shall sign the same; and from the time such fee bill shall come into the hands of such collecting officer, it shall have the force and effect of an execution from the circuit court, and shall be treated as such, and shall operate as a lien upon the real and personal estate of the debtor; except as to the fee bills of justices of the peace, constables and township officers, which shall be treated as, and have the force and effect of an execution issued by a justice of the peace; *Provided*, No fee bill shall be so collected, unless issued in the manner above provided, within six years after the services are rendered.

Fee bill to have force and effect of execution.

Fee bill not to be collected after six years, &c.

When successor in office may issue fee bills of predecessor.

SEC. 37. Any successor of such officer may issue the fee bills of his predecessor or predecessors in office in the manner provided for in the foregoing section; *Provided*, such fee bills are issued within six years after the services are rendered. Any clerk of a circuit court, court of common pleas, superior or criminal court, may issue the fee bills of the sheriff or former sheriffs of his county, and any justice of the peace may issue the fee bills of a constable or former constables of his township; *Provided*, the same is done in the manner and within the time specified in the preceding section.

Cost and fees of officers, and pay for services of pros. attys, in criminal cases.

SEC. 38. In all criminal cases where the person accused shall be acquitted, no costs shall be taxed against such person, nor against the State or county for any services rendered in such prosecution by any prosecuting or district attorney, clerk, sheriff, coroner, justice of the peace, constable or witness; but in all cases of conviction, such fees and costs shall be taxed and collected, as in other cases, from the person convicted.

Clk., Treas. and Sheriff shall pay over to successors money, &c.

SEC. 39. It shall be the duty of each clerk, treasurer, and sheriff of the several counties in this State, at the expiration of his term of office, to pay over to his successor

in office, all moneys of every description to whomsoever due, remaining in his hands at the expiration of such term, taking the receipt of such successor therefor, and such successor and his sureties shall be bound therefor on his bond, as if the same had been originally collected by him, and any clerk, treasurer or sheriff so failing to pay over such moneys, or any successor, or clerk, treasurer, or sheriff who shall fail to pay over any moneys to parties entitled to receive the same, when called on to do so, shall be deemed guilty of embezzlement, and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and be imprisoned at hard labor in the State prison not less than one, nor more than five years.

Liability on bond.

When officer shall be deemed guilty of embezzlement.

SEC. 40. That in any county where the whole fees of a clerk, sheriff, auditor, or treasurer amounts in the aggregate to less than one thousand dollars per annum, the board of commissioners may, in their discretion, allow such officers such an amount as they, in their discretion, may deem just and proper, but such allowance shall not exceed three hundred dollars to any one officer in any one year.

When and what amount board of commissioners may make allowance to Co. officer.

SEC. 41. An act entitled "An Act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2d, 1855; also an act entitled "An Act to amend the 9th section of an act regulating the fees of officers, and repealing former acts in relation thereto," approved June 4th, 1861; also an act entitled "An Act to amend section five of an act entitled an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2d, 1855, approved March 3d, 1865; also an act entitled "An Act to amend section sixteen, of an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2d, 1855, approved April 20, 1869; also an act entitled "An Act to amend section twenty of an act entitled an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2d, 1855, approved March 9th, 1867; also an act entitled "An Act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions," approved February 21st, 1871; be and the same are hereby repealed; *Provided*, That nothing in this act shall be so construed as to repeal an act entitled "An Act regulating the fees of clerks of courts, justices of the peace and notaries public in certain cases," approved March 9th, 1867; *and provided further*, That this act shall not be so construed as to repeal an act entitled "An Act to prevent the defalcation of certain officers therein named, and to provide penalties therefor," approved March 1st, 1855. *And provided further*, That in all cases where clerks and sheriffs have not made settlement

Acts repealed.

Acts not repealed.

Clerks and sheriffs who have not made

settlement with
successor to be
liable to indict-
ment under
act of 1871.

with their successors in office, as required by the forty-ninth (49) section of an act entitled "An Act regulating the fees, salaries and duties of certain officers therein, named, and prescribing penalties for the violation of its provisions," approved February 21st, 1871, and are liable to indictment and conviction under said section forty-nine (49), and section thirty-eight (38) of said acts, such clerks and sheriffs shall continue and remain liable to indictment, prosecution and conviction under said sections, as though said act had not been repealed.

Emergency.

SEC. 42. It is declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

CHAPTER XLIX.

AN ACT defining certain felonies and prescribing punishment therefor.

[APPROVED MARCH 10, 1873.]

Unlawful for
persons verbal-
ly, or by written
or printed com-
munication,
to demand or
try to extort
money from
person by ac-
cusing or
threatening to
accuse such
person of
crime, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if any person shall either verbally, or by any letter or writing, or any written or printed communication, demand of any person with menaces, any chattel, money, or other valuable security; or if any person shall accuse, or threaten to accuse, or shall knowingly send or deliver any letter or writing, or any written or printed communication, with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark, or designation, accusing or threatening to accuse, any person of any crime punishable by law, or of any immoral conduct, which, if true, would tend to degrade, and disgrace such person, or to do any injury to the person or property of any one, with intent to extort, or gain from such person, any chattel, money, or valuable security, or any pecuniary advantage whatsoever, or with any intent to compel the person threatened to do any act against his will, with the intent aforesaid; every such offender shall be deemed guilty of a felony, and shall, upon conviction, be imprisoned in the State prison, for not less than one nor more than five years, to which may be added a fine not exceeding one thousand dollars.

Person so
offending to be
deemed guilty
of felony.
Penalty.

Emergency.

SEC. 2. Whereas there is now no law in force in this

State, defining the offences and prescribing the punishment therefor, by the first section of this act, an emergency is hereby declared to exist for the immediate taking effect of this act and the same shall therefore take effect and be in force from and after its passage.

CHAPTER L.

AN ACT supplemental to an act entitled "An act to establish a female prison and reformatory institution for girls and women, and to provide for the organization and government thereof, and making appropriations;" approved May 13th, 1869.

[APPROVED FEBRUARY 3, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there be, and is hereby appropriated, the sum of fifty thousand dollars, for the purpose of completing and finishing the building already erected for said institution, and for fencing and putting in order the grounds appurtenant to said building; the said appropriation to be drawn from the treasury in the manner prescribed by the original act, to which this is a supplement.

\$50,000 appropriated for completion of female prison, &c.

SEC. 2. Whenever said institution or any portion or department thereof is ready to be furnished, the board of managers thereof shall present to the auditor of State an itemized estimate of the articles needed for that purpose, with the estimated cost of each item or article, which estimate or statement shall be verified by the oath of the president of said board, and upon the presentation of said estimate or statement to the auditor of State, said auditor shall, as soon as practicable, notify the governor, secretary and treasurer of State of the filing of such statement, and if the majority of said officers shall be of the opinion that the proposed expenditure or some part thereof is necessary for the proper furnishing of said institution, or any part or department thereof, they shall direct in writing, the auditor of State to draw his warrant for the amount so estimated for, or such part or portion thereof as they may approve, on the treasurer of State, who shall pay the same to the president of said board, or to his order, out of any money in the treasury not otherwise appropriated.

Furnishing said prison, how done.

Board of managers shall make itemized statement and present same to auditor of State

Aud. of State shall notify gov., sec'y, and treas. of State of filing of such statement.

A majority of whom may direct aud. to draw warrant, &c.

Treas. of State shall pay am't of such warrant to whom

SEC. 3. As it is almost impossible, without knowing the number of inmates that will be in said institution, and the

Current expenses of institution, amount

of by whom determined and allowed.

number of officers that will be necessary to manage and govern its affairs, the current expenses of said institution shall be estimated for, allowed, and drawn from the treasury as follows, viz :

Superintendent of institution shall prepare itemized statement, &c.

In case gov., sec., and treas. of State or majority of them shall approve and allow estimate, aud. shall draw warrant, &c.

Itemized statements shall show number of inmates, officers &c.

Board of managers and superintendent shall, semi-annually, make itemized report to aud. of State.

Aud. of State shall examine report, and if he should think money had been improperly expended shall notify gov., sec'y, and treas. of State, who, with aud. shall make investigation, &c.

Before adverse decision is rendered in such case, disbursing officer shall be notified, who may make explanation, introduce testimony, &c.

Aud. of State shall keep record of proceedings of said officers.

Emergency.

At the commencement of each month the superintendent of the institution shall prepare and verify by his oath, an estimated itemized statement in writing of the amounts that will be required to meet the current expenses of such institution during such month, and present the same to the auditor of State, who shall notify the governor, secretary and treasurer of the State thereof, and if a majority of said officers shall approve and allow said estimate, or a part thereof, they shall direct in writing the auditor of State to draw his warrant on the treasurer of State for the amount which may be so allowed by said State officers, or by a majority of them, and said treasurer shall pay said warrant out of any moneys in the treasury not otherwise appropriated. Every such estimated itemized statement shall set forth the number of inmates in each of the departments of the institution, and also the number of officers and persons employed therein.

SEC. 4. The board of managers and superintendent of said institution shall, at the end of every period of six months, commencing with the first money which may be drawn from the treasury on any estimate made under either of the previous sections of this act, make an itemized report of the expenditure of the money which may have been so drawn from the treasury under this act, and the auditor shall carefully examine such report, and if in his opinion any money shall have been improperly expended by the purchase of unnecessary articles, or by paying too much therefor, or otherwise, said auditor shall immediately notify the governor, secretary and treasurer of State, who, in conjunction with such auditor, shall immediately proceed to investigate the matter, and in accordance with the decision of a majority of these officers, the account shall be audited: *Provided, however,* That before rendering an adverse decision upon any such account, or any part thereof, they shall notify the disbursing officer, and allow him to present such explanations or adduce such testimony as he may desire, in regard to the matter, and they shall have the same power to summon and require the attendance of witnesses as are given to the circuit courts of this State.

SEC. 5. The auditor of State shall keep and preserve a full record of all the proceedings of said officers of the State under the foregoing provisions of this act.

SEC. 6. An emergency is hereby declared to exist for

the immediate taking effect of this act; therefore, the same shall take effect and be in force from and after its passage.

CHAPTER LI.

AN ACT concerning the application of certain fines, penalties, and forfeitures collected in the enforcement of certain city ordinances, in cities having therein, incorporated homes for friendless women.

[APPROVED FEBRUARY 26, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all incorporated cities of this State where there is now, or shall hereafter be established, an incorporated home for friendless women, incorporated under the laws of this State, all fines and penalties assessed and collected by the mayor or other judicial officer of such city, for the breach of any ordinance of such city in relation to houses of prostitution, or in relation to the keepers, frequenters, or inmates thereof, or for the breach of any ordinance of such city for the suppression of vice or immorality, or for the suppression of houses of ill fame, or for the punishment of the keepers, frequenters, or inmates thereof, when so collected, shall be paid over to the board of trustees of such home for friendless women in such city, to be applied to defraying the current expenses of such home.

Fines and penalties assessed and collected in incorporated cities against keepers of houses of prostitution to be paid to board of trustees of home for friendless women of such city, by mayor or other judicial officer.

SEC. 2. That in all incorporated cities of this State where there is or shall be established a home for friendless women, such as described in the first section of this act, all fines and penalties imposed or assessed and collected by the mayor or other judicial officer of such city, for the breach of any ordinance against professional gambling, or against gaming or gambling of any kind, or against the keepers of gambling houses, or the frequenters or inmates thereof, when so collected, shall be paid over by the city authorities to the board of trustees of such home for friendless women in such city, for the purposes specified in the last section.

Application of fines paid over.

Fines assessed and collected in incorporated cities for gambling, &c., to be paid to trustees of home of friendless women.

SEC. 3. Whenever any person shall be arrested for the

Forfeited bonds and recognizance.

ances for breach of ordinances mentioned in foregoing sections, when collected, to be paid to trustees of home for friendless women.

breach of any of the ordinances mentioned in either of the two foregoing sections, and shall give a bond or recognizance, with or without security, conditioned for his appearance before the mayor or any other judicial officer having jurisdiction to try the case, to answer the charge, and such bond or recognizance shall be forfeited, such forfeiture, when collected, shall be paid to the trustees of the home for friendless women which may then exist in such city as aforesaid.

Mayor or other officer shall keep separate account of fines and pay same into city treasury for use of trustees of friendless women.

SEC. 4. The mayor or other officer collecting any fines contemplated by this act, shall keep a separate account thereof, and at the end of each period of three months from and after the taking effect of this act, such mayor or other officer shall pay the amount, so collected during the preceding three months, into the city treasury for the use of the trustees of such home for friendless women; and said mayor shall, at the same time, make a detailed statement to the city council, showing the amount that has been so paid into the city treasury, and on what account collected, and that it belongs to the said trustees under the provisions of this act, and thereupon the common council of such city shall make an order for the payment of the same to said trustees, for the purposes aforesaid, same shall be paid accordingly.

Mayor shall make detailed statement to city council.

Common council shall make order for payment of fines to said trustees.

Trustees of Home for friendless women, shall make report to common council, showing, &c.

SEC. 5. It shall be the duty of such trustees of such home for friendless women, on or before the tenth day of January of each year, to make a detailed report to the common council of such city, of the operations and business affairs of such home, with a statement of the receipts and expenditures thereof, and such other matters as are usually embraced in reports of kindred institutions, for the year ending on the 31st day of the preceding December.

Repealing sec.

SEC. 6. All laws and parts of laws conflicting with this act are hereby repealed.

Emergency.

SEC. 7. Whereas an emergency exists for the immediate taking effect of this act, the same shall take effect and be in force from and after its passage.

CHAPTER LII.

AN ACT to amend the first section of an act entitled "An Act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water, on his own land, to make a race way below such mill or machinery through land belonging to other persons, and to regulate the assessment and payment of damages therefor," approved March 1, 1853.

[APPROVED MARCH 10, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section one of an act entitled "An Act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water, on his own land, to make a race-way below such mill or machinery through land belonging to other persons, and to regulate the assessment of damages therefor," approved March 1st, 1853, be and the same is amended so as to read as follows: That any person or persons desirous of erecting on his or their own land a flouring mill or other machinery to be propelled by water, or any person or persons being the owner of any such mill or machinery already erected, and who do not own the lands below the site of, or proposed site for such mill or machinery, may make a raceway through such lands below, so that the water may flow from such mill or machinery or proposed mill or machinery into the river or creek below; such person or persons desiring to make such race-way, paying, to the person or persons entitled thereto, such damages as the same may occasion to such owner or owners, which damages shall be assessed in conformity with the provisions of article 41 chapter 1, of part second, volume 2, revised statutes of 1852, (11 Gavin & Hord, 310,) so far as applicable.

Sec. 1 recited.

Sec. 1 as amended; person owning or desiring to erect flouring mill, &c., may make raceway through lands of other persons below such mill site.

Persons desiring to make such raceway shall pay damages occasioned to such owners of land.

CHAPTER LIII.

AN ACT supplemental to an act entitled "An Act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852.

[APPROVED MARCH 8, 1873.]

Money arising from licenses granted to shows, &c., to be paid to agricultural societies; how paid where co. forms part of district ag. society.

Money, how paid where co. forms part of more than one dist. ag. society. Application of money arising from such licenses now on hand, how made

Emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in counties throughout this State that have no county agricultural society, and where they compose a part of some district agricultural society, that the money arising from exhibitions mentioned in section 1 of an act entitled "An Act concerning license to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852, be paid over by the county treasurers of their respective counties to the district agricultural society in which said county is a part; *Provided*, That counties that compose a part of more than one district agricultural society, that said money so referred to above shall be paid equally to said districts agricultural societies, and that in counties that have money on hand from exhibitions mentioned in the act of which this is a supplement, and there has been application made by the district agricultural societies, entitled under this act to said money and refused by the county treasurer, that they be required to pay the same to said district or districts agricultural societies.

SEC. 2. It is declared that an emergency exists for the taking effect of this act, the same shall therefore take effect and be in force from and after its passage.

CHAPTER LIV.

AN ACT to amend sections one and six of an act entitled "An Act to incorporate the Franklin Insurance Company," approved February 13, 1851.

[APPROVED MARCH 4, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of an act entitled "An Act to incorporate the Franklin Insurance Company," approved February 13, 1851; be amended so as to read as follows :

Sec. 1 as amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be and hereby is established in the city of Indianapolis an insurance company with a capital stock of five hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies or corporations in [the] manner hereinafter specified, which stockholders and subscribers and their successors shall be, and hereby are created a body politic and corporate, with perpetual succession by the name and style of the Franklin Insurance Company, and by that name and style shall be competent to contract and be contracted with, to sue and be sued, plead, and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt which may become due and owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of any court of equity in their favor, and may have and use a common seal, and the same alter, break, change or renew at pleasure, and may also make, ordain, establish and put in execution such laws or ordinances, rules and regulations, as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs; *Provided*, That no by-law, ordinance, rule or regulation of said company shall in anywise be contrary to the constitution and laws of this State, or of the United States.

Franklin insurance co. established at Indianapolis.

Amount of capital stock.

Powers of company. May contract, sue and be sued, &c.

May acquire and sell real estate.

Seal.

May make laws, ordinances, &c.

Laws, ordinances, &c., not to be contrary to constitution.

SEC. 2. *And be it further enacted*, That section six of the same act be so amended as to read as follows :

Sec. 6 as amended.

Property, business, &c. of company to be under management of board of directors.

Directors, when to be elected and term of office.

Notice of such election, how given.

Election shall be by ballot, votes, by whom counted, &c.

Stockholders entitled to one vote for each share.

Vote by proxy.

Directors may be elected on other days than time fixed by this act.

Emergency.

SEC. 6. That the real and personal estate, business, property, funds and prudential concerns of said corporation, and the administration of its affairs shall be under the management, discretion, and control of a board of thirteen directors who shall be stockholders and citizens of the State of Indiana, and after the first election, they shall be elected by the stockholders, on the second Monday in August, annually, at the time of day, and at such place in the city of Indianapolis, as said directors for the time being shall direct; they shall hold their office for the term of one year, and until their successors shall be chosen, and notice of such election shall be advertised and published for three weeks next preceding the same in a newspaper printed in said city, and such election shall be by ballot, and a plurality of votes received and counted in public by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such election, and all other meetings of the stockholders held under the provisions of this act, each shall be entitled to one vote for each share, and any stockholder not personally attending such election or other regular meeting of the stockholders and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it should happen that an election of directors should not be made on any days when by this act it ought to have been made, it shall and may be lawful for said company to make an election of directors on any other day in such manner as may be provided for by the laws and ordinances of said corporation.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force and take effect from and after its passage.

CHAPTER LV.

AN ACT to amend section 2 of an act entitled "An Act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and prescribing the penalty for violation of the same," approved March 11th, 1867, and also providing for the protection of certain birds therein named, and their eggs, and affixing a penalty.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 2, of the above entitled act be so amended as to read as follows, to-wit: "It shall be unlawful to net or trap quails at any time, and it shall be unlawful to shoot, trap, or otherwise destroy quails or pheasants from the first day of February to the first day of October, in each year.

Sec. 2 as amended.
Unlawful to net or trap quails at any time.
Unlawful to shoot or destroy quails or pheasants from 1st of Feb. to 1st of Oct.
Unlawful to kill, injure, &c., certain birds, or to wantonly destroy the young or eggs of such birds.

SEC. 2. It shall be unlawful for any person to kill or injure, or to pursue with intent so to do, any turtle dove, meadow lark, robin, mocking bird, blue bird, wren, sparrow, red bird, peewee, martin, thrush, swallow, oriole, yellow-hammer, cat bird, or to wantonly destroy or disturb the eggs or young of the birds, protected by this act.

SEC. 3. Any person violating any of the provisions of this act, shall, upon conviction, be fined in a sum not less than one or more than ten dollars.

Penalty.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Emergency.

NOTE.—This act was presented to the Governor on the 8th day of March, A. D. 1873, and the final adjournment of the General Assembly took place on the 10th day of March, A. D. 1873, and the act not having been acted upon within five days thereafter, took effect without executive approval, on the 15th day of March, A. D. 1873.

CHAPTER LVI.

AN ACT to amend sections two (2) and six (6) of an act entitled "An act providing for a geological survey, and for the collection and preservation of a geological and mineralogical cabinet of the natural history of this State, and creating the office of State geologist, defining his duties, fixing his salary, and appropriating a sufficient amount of money to defray the necessary expenses of said survey, and for the collection and preservation of said cabinet;" approved March 5, 1869.

[APPROVED MARCH 7, 1873.]

Sec. 2 as amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section two (2) of the above entitled act be, and the same is hereby amended so as to read as follows:

Gov. to appoint State Geologist.

That the governor is hereby authorized to appoint a suitable person as State geologist, to take charge of, supervise, and conduct said geological survey, and said State geologist shall hold his office for a term of two years, and until his successor shall be appointed as aforesaid, with an annual compensation of three thousand (\$3,000) dollars, to be paid in quarterly payments, commencing on the first day of January, 1873, and in addition to his salary said State geologist shall be paid also for the necessary traveling expenses incurred while prosecuting the field work of said geological survey, and for the chemical re-agents and apparatus used in the analytical work.

State Geologist, his term of office, and his salary.

Traveling expenses of; re-agents, and apparatus to be paid for.

Sec. 6 as amended.

SEC. 2. *And be it further enacted*, That section six (6) of the above entitled act be, and the same is hereby amended so as to read as follows:

\$3,000 appropriated annually for two years to carry out provisions of this act to be placed in charge of Ind. State Board of Agriculture.

That in order to further provide for carrying the provisions of this act into effect, the sum of eight thousand (\$8,000) dollars be, and the same is hereby annually appropriated for two (2) years, out of any funds in the treasury not otherwise appropriated, and placed in charge of the Indiana State board of agriculture, to be disbursed by them in accordance with the provisions herein made and provided for; and it shall be the duty of the State geologist to file with the Secretary of the Indiana State board of agriculture a detailed statement, accompanied with vouchers, for all money expended by said State geologist in carrying out the provisions of this act.

State Geologist shall file report with Sec'y of Ind. State Board of Agriculture, with vouchers, &c.

Emergency.

SEC. 3. An emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

CHAPTER LVIL

AN ACT to amend section five of an act entitled "An Act to incorporate the town of Huntington," approved February 16th, 1848,

[APPROVED MARCH 7, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section five of an act entitled "An Act to incorporate the town of Huntington," approved February 16th, 1848, be and the same is hereby amended to read as follows, to-wit:

SEC. 5. That four of such trustees and the mayor shall constitute a quorum, and shall from time to time, hold a common council at such place as such mayor or recorder shall designate, and shall have full power and authority to enact and publish all such laws and ordinances, as to them shall seem just and necessary, relative to the regulation of streets, alleys and highways, and keeping the same in repair by cleansing, raising, draining, or turnpiking the same, and for causing or requiring, by taxation or otherwise, owners of inlots to improve, Macadamize or plank the sidewalks in front of their respective lots, in such parts of said corporation as such councils shall, from time to time prescribe, and for establishing and regulating markets, and for restraining swine from running at large within said corporation, and also for preventing teams from standing on the streets at the crossing from sidewalk to sidewalk, and for the preservation and safety of buildings, for cleaning chimneys, for preventing or extinguishing fires, to construct and preserve reservoirs, wells, pumps, and other waterworks, and to regulate the use thereof, to declare what shall constitute a nuisance, and to abate and remove the same, and take such measures as may be necessary for the preservation of the public health, to restrain from running at large cattle, sheep and other animals, to restrain and prohibit gambling, to suppress and prohibit keeping houses of ill-fame, and to authorize the seizure of gambling apparatus, and the destruction of the same, to license, regulate, and restrain auction establishments, traveling peddlers, and public exhibitions, and to charge a license fee for shows, circuses and menageries, where the same exhibits within one mile of the corporate limits of such town, also to charge and collect a license fee of not less than twenty-five nor more than five hundred dollars from each person engaged in the sale of any intoxicating, vinious or malt liquors in any quantity of less than a quart, where the same is allowed

Sec. 5 as amended.

Quorum, and time and place of holding common council.
Powers of common council.
Laws and ordinances.
Streets, alleys, &c., keeping same in repair, &c.

Markets.
Swine.

Teams standing on streets.
Safety of buildings.
Chimneys, fires, reservoirs, &c.

Nuisance.
Cattle, &c., running at large.
Gambling.
Houses of ill-fame.

Auctions.
Peddlers.
Shows, &c.

Intoxicating and other liquors.

Gunpowder.

**Extension of
corporation
limits.**

**Erection and
completion of
school houses.**

**When town
may organize
as a city.**

**Each election,
how conducted.**

**Fines, penalties
and forfeitures.**

**Other laws and
ordinances may
be enacted.**

**Ordinances
shall be record-
ed.**

**Ordinances
shall be pub-
lished.**

**Ordinances and
laws, when to
be in force.**

**When ordi-
nances are pub-
lished by post-
ing up,
Marshal shall
make affidavit.
Such affidavit
to be entered
on minutes,
and shall be
proof.
Affidavit of
publisher of
paper, &c.
Emergency.**

to be drunk on the premises, also to regulate the storage of gunpowder; and when any person or persons may desire to be attached to or become a part of said corporation, then on a petition of a majority of the persons interested, petitioning therefor, said councils may extend the limits of said corporation so as to include such additional territory, which shall then constitute a part of the same and be entitled to the same rights and liabilities as if the same had been originally included in the said corporation. Said council shall have power to erect school houses, and provide means for the same, and to furnish those now under process of erection; and whenever said corporation shall have a population of two thousand inhabitants, said council may call an election, and if a majority of the legal voters shall so vote, said town may organize under the general laws as a city, which election shall be conducted as other elections are now provided by law to be conducted. Said council shall have power to enact fines, penalties, and forfeitures for violation of any ordinance by them established, and to enact and publish all such other laws and ordinances as the said common council shall deem necessary and proper, for the health, safety, cleanliness, and good government of said corporation, and the inhabitants thereof; and also to pass such other ordinances that may be necessary to carry the provisions and intentions of this act into full and complete effect, which said ordinances shall not be contrary to the laws of the United States or of this State; all of which ordinances shall be recorded at full length in a book provided for that purpose, and preserved and kept by the recorder of said town; and all ordinances shall be published in some newspaper having a general circulation in said town, or be posted at the door of the court house in said town at least ten days, after which publication in one of the modes aforesaid, said ordinances and laws shall be and remain in force until repealed or modified, and if said ordinances are published by posting at the door of the court house, it shall be done by the marshals of said town, who shall subscribe to an affidavit as to such posting, which shall be entered at full length on the minutes of the proceedings of said town, and shall be conclusive proof of the facts therein stated, and if published by some newspaper, the affidavit of the publisher thereof shall be copied in like manner, and be conclusive proof of the facts therein stated.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, therefore, it shall be in force from and after its passage.

CHAPTER LVIII.

AN ACT to prevent hunting and shooting on inclosed lands without the consent of the owner or occupant thereof, and providing a penalty therefor.

[APPROVED MARCH 7, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person or persons who shall be guilty of hunting with a dog or dogs, or hunting or shooting with any kind of firearm or firearms, on inclosed lands, without the consent of the owner or occupant thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five, nor more than fifty dollars; *Provided,* That no prosecution shall be commenced under the provisions of this act, unless the same shall be commenced by the consent of the owner or occupant of the premises entered upon.

Person hunting on inclosed land without permit guilty of misdemeanor.

Penalty.

Prosecutions not to be commenced unless by consent of occupant or owner of the land, &c.

SEC. 2. All prosecutions for violation of the provisions of this act must be commenced within one year from the day of committing the offense.

Prosecutions must be commenced within one year.

CHAPTER LIX.

AN ACT to regulate the sale of intoxicating liquors, to provide against evils resulting from any sale thereof, to furnish remedies for damages suffered by any person in consequence of such sale, prescribing penalties, to repeal all laws contravening the provisions of this act, and declaring an emergency.

[APPROVED FEBRUARY 27, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be unlawful for any person or persons, by himself or agent, to sell, barter, or give away for any purpose of gain, to any person whomsoever, any intoxicating liquors to be drunk in, upon, or about the building or premises where the liquor is sold, bartered, or given away, or in any room, building, or premises adjoining to or connected with the place where the liquor is sold,

Unlawful to sell, barter, or give away intoxicating liquors for purpose of gain, without first getting permit from Board of Commissioners.

bartered, or given away for the purpose of gain, until such person or persons shall have obtained a permit therefor from the board of commissioners of the county where he resides, as hereinafter provided.

Person desiring permit, shall file in Auditor's office petition in writing. What shall be set forth in petition.

Petition shall be signed by whom, and where kept on file.

Board shall examine petition, direct permit to be issued, when and upon what conditions

Before board of commissioners shall grant such permit applicant shall give bond.

Suits may be brought upon such bond.

SEC. 2. Any person desiring a permit to sell intoxicating liquors to be drunk on the premises, shall file in the office of the auditor of the proper county, not less than twenty days before the first day of the term of any regular session of the board of commissioners of such county, a petition in writing, stating therein the building or number, street, ward or township wherein the permission is asked to be granted, praying for such permit, and certifying that the applicant is a resident voter of such county, and a citizen of the State of Indiana, and that he is a proper person to have and receive such permit; which petition shall be signed by the applicant, and also by a majority of the legal voters resident in the ward, if it be in a city or town, if it be an incorporated town, or township wherein the applicant proposes to sell intoxicating liquors; such petition shall be kept on file by the auditor until the next ensuing regular session of the board of commissioners, when it shall be presented to the board for their action. The board shall examine such petition, and if satisfied the same is in proper form, and that it has been signed as hereinbefore required, shall direct a permit to be issued under the hand and seal of said auditor, and delivered to the person named in such permit, upon his complying with the provisions of this act and paying the costs of filing and recording said petition and costs of issuing said permit.

SEC. 3. Before the granting of a permit by the board of commissioners, the applicant shall cause to be executed and properly acknowledged before an officer authorized to take acknowledgment of deeds, a bond payable to the State of Indiana, in the sum of three thousand dollars, with good freehold security thereon of not less than two persons, to be approved by the board of commissioners, and conditioned for the payment of any and all fines, penalties and forfeitures incurred by reason of the violation of any of the provisions of this act, and conditioned further, that the principal and sureties therein named shall be jointly and severally liable, and shall pay to any person or persons any and all damages which shall in any manner be suffered by or inflicted upon any such person or persons, either in person or property, or means of support, by reason of any sale or sales of intoxicating liquors to any person, by the person receiving such permit or by any of his agents or employees. Separate suits may be brought on said bond by the person or persons injured, but the aggregate amount

recovered thereon shall not exceed the said sum of three thousand dollars, and in case the amount of said bond shall be exhausted by recoveries thereon, a new bond in the same penalty and with like sureties shall be filed within ten days, and in default thereof said permit shall be deemed to be revoked. Such bond, after its approval by the board of commissioners, shall be filed in the office of the auditor of the county, and shall be recorded by such auditor forthwith in a book prepared for that purpose, and shall there remain for the use of the State of Indiana, and for the use of any person or persons suffering any damage as hereinbefore set forth. Such bond may be sued and recovered upon in any court having civil jurisdiction in the county (except justices' courts) by or for the use of any person or persons, or their legal representatives, who may be injured or damaged by reason of any sale or sales of intoxicating liquors by the person receiving the permit or by any of his agents or employees. The record of the bond or a copy thereof, duly certified by such auditor, shall be admissible in evidence in any suit on such bond, and shall have the same force and effect as the original bond would have if offered in evidence.

When new bond shall be given or permit revoked.

Bond where filed and recorded.

In what courts bond may be sued upon.

Record or certified copy of bond shall be evidence in suits.

SEC. 4. The whole number of votes cast for candidates for Congress at the last preceding congressional election in the township, and the whole number of votes cast for councilman or trustee in any ward or town, at the last preceding municipal election in any city or town in which the applicant for permit desires to sell said intoxicating liquors, shall be deemed to be the whole number of legal voters of such ward, town or township, a majority of whose names shall be signed to the petition of such applicant; and it is further provided, that any person not a legal voter in said ward, town or township, who shall sign said petition, or any person who signs the name of any person other than himself, without the permission previously obtained of said person to so sign his name, shall be fined not less than fifty nor more than one hundred dollars for each signature so made.

Vote of what election to be basis in filing petition for license, &c.

Penalty for person signing petition who is not legal voter or signing other persons name, &c.

SEC. 5. No permit, as herein provided for, shall be granted for a longer or shorter time than one year. It shall be the duty of the auditor of the county to furnish the person to whom such permit is granted, a copy of the order of the commissioners granting the permit, which copy shall show in conspicuous letters the date of the commencement of such permit, and of its expiration; *and it is further provided*, That such copy of the order of the commissioners, certified by the auditor, shall be hung up in a conspicuous place in the room where such liquor is sold, where the same may at all times be seen and read by any

Time for which permit to be granted.

Auditor shall furnish copy of order granting permit, which shall be hung up in place where liquor is sold.

Penalty for violation of provisions of this act.

Unlawful to sell, barter or give intoxicating liquors to minors and others.

Places where intoxicating liquors are sold in violation of this act public nuisances and shall be shut up, &c.

Person selling intoxicating liquors liable to pay compensation to person taking care of person becoming intoxicated on such liquor.

Penalty for becoming intoxicated.

Person convicted of intoxication shall designate where liquor was obtained and in default thereof may be fined and imprisoned.

Unlawful to sell intoxicating liquors on Sunday, days of election and other days, or between 9 o'clock p. m. and 6 o'clock a. m.

Penalty.

person desiring so to do. Should any person holding a permit be convicted of a violation of any of the provisions of this act, such conviction shall work a forfeiture of his permit, and of all rights thereunder; and no permit shall thereafter be granted to such person before the expiration of five years from the date of such conviction.

SEC. 6. It shall be unlawful for any person, by himself, or agent, to sell, barter, or give intoxicating liquors to any minor, or to any person intoxicated, or to any person who is in the habit of getting intoxicated.

SEC. 7. All places where intoxicating liquor is sold in violation of this act, shall be taken, held, and declared to be common nuisances; all rooms, taverns, eating houses, bazaars, restaurants, drug stores, groceries, coffee houses, cellars, or other places of public resort, where intoxicating liquors are sold in violation of this act, shall be shut up and abated as public nuisances, upon conviction of the keeper thereof, who shall be punished as hereinafter provided.

SEC. 8. Any person or persons who shall by the sale of intoxicating liquor, with or without permit, cause the intoxication, in whole or in part, of any other person, shall be liable for and be compelled to pay a reasonable compensation to any person who may take charge of and provide for such intoxicated person, for every day he or she is so cared for, which sum may be recovered in an action of debt before any court having competent jurisdiction.

SEC. 9. It shall be unlawful for any person to get intoxicated. A person found in a state of intoxication shall upon conviction thereof, be fined in the sum of five dollars. Any person convicted of intoxication shall be required upon the trial to designate the person or persons from whom the liquor, in whole or in part, was obtained. In default of so designating such person, he or she shall in addition to the fine above mentioned, and as a part of his or her punishment for the offense, be imprisoned in the county jail not less than one day nor more than ten days, at the discretion of the court.

SEC. 10. A permit granted under this act shall not authorize the person so receiving it to sell intoxicating liquors on Sunday, nor upon the day of any State, county, township, or municipal election, in the township, town or city where the same may be held; nor upon Christmas day, nor upon the Fourth of July, nor upon any Thanksgiving day, nor upon any public holiday, nor between nine o'clock P. M. and six o'clock A. M.; and any and all sales made on any such day, or after nine o'clock on any evening, are hereby declared to be unlawful, and upon conviction thereof, the person so selling shall be fined not less than five

dollars nor more than twenty-five dollars for each sale made in violation of this section.

SEC. 11. The bartering or giving away of intoxicating liquors, or other shift or device to evade the provisions of this act, by any person or persons keeping liquors for sale, or by his agent or employee, at the place where the same are kept for sale, shall be deemed and held to be an unlawful selling or giving away for the purpose of gain within the provisions of this act.

Evasions of provisions of this act, when to be deemed unlawful selling or giving away.

SEC. 12. In addition to the remedy and right of action provided for in section eight of this act, every husband, wife, child, parent, guardian, employer, or other person who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action in his or her name, severally or jointly, against any person or persons who shall, by selling, bartering, or giving away intoxicating liquors have caused the intoxication, in whole or in part, of such person, and any person or persons owning, renting, leasing or permitting the occupation of any building or premises, and having knowledge that intoxicating liquor is to be sold therein, or having leased the same for other purposes, shall knowingly permit therein the sale of intoxicating liquor, or who having been informed that intoxicating liquor is sold therein that has caused, in whole or in part, the intoxication of any person, who shall not immediately, after being so informed, take legal steps in good faith to dispossess said tenant or lessee, shall be liable jointly with the person selling, bartering or giving away intoxicating liquor as aforesaid, to any person or persons injured, for all damages, and for exemplary damages; *Provided*, however, that execution on any such judgment shall first be levied on the property of the person selling, bartering or giving away such liquor, and in the event of a failure or insufficiency of such property to satisfy the judgment, then of the property of the other defendants. A married woman shall have the same right to bring suit and to control the same, and the amount recovered as a *femme sole*, and all damages recovered by a minor under this act shall be paid either to such minor or to his or her parent, guardian or next friend, as the court shall direct. The unlawful sale or giving away of intoxicating liquor shall work a forfeiture of all rights of the lessee or tenant under any lease or contract of rent, upon the premises where such unlawful sale, bartering or giving away shall take place. All suits for damages under this act may be by any appropriate action in any of the courts in this State having competent jurisdiction. All judgments recovered under the provisions

Husband, wife, child, and others injured, &c., by intoxicated person shall have right of action against person selling liquor causing intoxication,

Actions against owners of buildings in which intoxicating liquors are sold, when the same may be maintained.

Proviso.
Execution.

Suit by married woman and minor.

Forfeiture of rights of lessee or tenant.

Suits for damages.

Judgment without relief.

of this act may be enforced without any relief or benefit from the valuation or appraisement laws.

When township trustee or other officer may bring suit for damages.

SEC. 13. In all cases where husband, wife, parent, child or guardian shall have a right of action as provided in section twelve of this act, and shall fail or refuse to prosecute the same, and in all cases where such intoxicated person has neither husband, wife, parent, child or guardian, the township trustee or other officer having charge of the poor of the township where such intoxicated person resides, shall have a right of action as provided in said section twelve, and it is hereby made the duty of such officer to prosecute all such actions in the name of such township.

Money collected on such judgments to be for benefit of poor, &c.

All money collected upon such judgments, after deducting therefrom all costs and charges against such township occasioned thereby, shall be paid by the township trustee, or other officer, into the treasury of the county for the benefit of the poor of such county; provided that the name of any husband, wife, parent, child or guardian, upon proper petition therefore before final judgment, may be substituted for the name of the township, but such person so substituted shall have no power to dismiss such action, or compromise the same in any manner, except by permission of the court.

Penalty for violation of provisions of sec. 1 and 6.

SEC. 14. For every violation of the provisions of the first and sixth sections of this act, the person so offending shall forfeit and pay a fine of not less than ten dollars nor more than fifty dollars, or be imprisoned in the jail of the county not less than ten nor more than thirty days. For every violation of the provisions of the seventh section of this act, any person convicted as the keeper of any of the places therein declared to be nuisances, shall forfeit and pay a fine of not less than twenty nor more than fifty dollars, and such place or places, so kept by such person so convicted, shall be shut up and abated as a common nuisance by the order of the court before which such conviction may be had as a further punishment, and such order shall be a part of the judgment of conviction.

Penalty for violation of provisions of sec. 7.

Fines, costs and damages shall be lien upon personal property and real estate.

SEC. 15. For the payment of all fines, costs and damages assessed or adjudged against any person or persons in consequence of the sale of intoxicating liquors as provided for in this act, the real estate and personal property of such person or persons, of every kind, shall be liable, and such fines, costs and damages shall be a lien upon such real estate until paid.

Penalty and provisions of 14 sec. may be enforced by indictment and fines and penalties provided, except as in sec. 8 and 12, may be enforced

SEC. 16. The penalty and provisions mentioned in the fourteenth section of this act may be enforced by indictment in any court of record having criminal jurisdiction; and all pecuniary fines or penalties provided for in any of the sections of this act, except the eighth and twelfth, may be enforced and prosecuted for before any justice of the

peace of the proper county, in an action of debt, in the name of the State of Indiana as plaintiff; and in case of conviction, the offender shall stand committed to the jail of the county until judgment and costs are fully paid, and the magistrate or court in which the conviction is had, shall issue a writ of *capias ad satisfaciendum* therefor. Justices of the peace shall have jurisdiction of all actions arising under the eighth and twelfth sections of this act, when the amount in controversy does not exceed two hundred dollars, such actions to be prosecuted in the name of the party injured or entitled to the debt or damages provided for in said eighth and twelfth sections.

before justice of peace.

Justices of peace, when they shall have jurisdiction under provisions of sec. 8 and 12.

SEC. 17. It shall be unlawful for any person to buy for or furnish to any person who is at the time intoxicated, or in the habit of getting intoxicated, or to buy for or furnish to any minor, to be drunk by such minor, any intoxicating liquor. Any person or persons violating this section shall be fined not less than five dollars nor more than fifty dollars.

Unlawful to furnish intoxicating liquors to whom, and penalty for.

SEC. 18. In all prosecutions under this act, by indictment or otherwise, it shall not be necessary to state the kind of liquor sold, or to describe the place where sold, and it shall not be necessary to state the name of the person to whom sold. In all cases, the person or persons to whom intoxicating liquors shall be sold in violation of this act, shall be competent witnesses to prove such facts or any other tending thereto.

Not necessary in prosecutions to state kind of liquor sold, nor to describe place or, give name of person to whom sold. Witness.

SEC. 19. The following form of complaint shall be sufficient in criminal proceedings before justices of the peace or mayors, under this act when applicable, but may be varied to suit the nature of the case, namely:

Form of complaint before justice or mayor.

STATE OF INDIANA, COUNTY, ss. Before me, A. B., a justice of the peace of said county, (or mayor of, &c., as the case may be), personally came C. D., who, being duly sworn according to law, deposeth and saith that on or about the day of, in the year, at the county aforesaid, E. F. did sell intoxicating liquors to one G. H. to be drunk in the place where sold, (or to G. H., a minor, &c.) or to a person intoxicated, or in the habit of getting intoxicated, as the case may be, where intoxicating liquors are sold in violation of law, and further saith not.

(Signed)

C. D.

Sworn to and subscribed before me this day of A. D.,

Repealing clause. Towns and cities not prohibited from requiring fee for permit to sell liquors.

SEC. 20. All laws and parts of laws conflicting with this act, or with any of the provisions of this act, be and the same are hereby repealed; but nothing in this act shall be so construed as to prohibit the common councils of cities

and the boards of trustees of incorporated towns, from demanding and enforcing a fee for permit, from all keepers of coffee houses, saloons, or other places where intoxicating liquor is sold and drunk within the limits of their respective corporations.

Emergency.

To what extent
to apply to persons
holding
expired
licenses.

SEC. 21. It is hereby declared that an emergency exists for the immediate taking effect of this act, it shall, therefore, be in force from and after its passage, except in so far as relates to those who hold a license under the existing laws of the State. This act shall apply to such as now hold license immediately after the expiration thereof.

CHAPTER LX.

AN ACT regulating interest on judgments.

[APPROVED FEBRUARY 5, 1873.]

Rate of interest
on judgments.

Rate of interest
to be specified
in judgment.

When judgment
shall bear but
six per cent.
interest.

Provisions of
this act not to
apply to con-
tracts hereto-
fore made.

Emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all judgments on contract, hereafter rendered, shall bear the same rate of interest expressed in the contract upon which such judgment is rendered. The court rendering such judgment shall specify therein the rate of interest which the same shall bear; *Provided*, that when no rate of interest is expressed in such contract, or a greater rate is expressed than ten per cent. per annum, such judgment shall bear interest at the rate of six per cent. per annum; *Provided*, that the provisions of this act shall not apply to contracts heretofore made.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

CHAPTER LXI.

AN ACT regulating the convening and adjournment of grand juries,

[APPROVED MARCH 10, 1873.]

Grand jury to
be summoned
only as provid-
ed in this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter no grand jury shall be summoned to appear at any term of a circuit court unless as provided in this act.

SEC. 2. That whenever the judge of a circuit court shall deem it necessary that a grand jury shall sit in any county of his circuit, it shall be his duty to make an order requiring the clerk to issue a venire for such jury to appear on such day as may be named in the order, and such venire shall be for the jury drawn and selected for the term as is now provided by law; *Provided*, that the grand jury shall be convened at least twice in every year in each county.

Venire for grand jury to be issued only on order of judge of circuit court.

Venire to be issued for jury drawn.

Grand jury to be convened at least twice in every year.

SEC. 3. Whenever in the opinion of the judge of any circuit court, the grand jury has been in session long enough, and the public interests require that it should adjourn, it shall be the duty of such judge to make an order declaring such grand jury adjourned.

When judge shall make order declaring grand jury adjourned.

SEC. 4. An emergency exists for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

Emergency.

CHAPTER LXII.

AN ACT to prescribe the qualifications of petit jurors in the several courts of this State.

[APPROVED MARCH 8, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any person who is either a householder or freeholder and a qualified voter, in any county of this State, shall be qualified to serve as a petit juror in any court in such county in which such person shall be such householder or freeholder and qualified voter.

Petit jurors, who qualified to serve as such

SEC. 2. That it shall not be lawful for any officer, or officers, charged with the selection of a panel of petit jurors to serve in any circuit court, superior court, court of common pleas or criminal court of this State, to select any person to serve as such juror, who has served as a juror in either of said courts in such county during the year immediately preceding such selection; and it shall be unlawful for any officer of either of said courts to select any person to serve as a talesman upon any jury therein, who has served as a juror in either of said courts of the county during the year immediately preceding such selec-

Officer charged with selection of a panel of petit jurors shall not select person to serve as juror who has served as juror in said courts of county in preceding year.

Peremptory
challenge,
cause for.

tion; and should any person be selected contrary to the provisions of this act, it shall be a sufficient cause for peremptory challenge.

Emergency.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

CHAPTER LXIII.

AN ACT legalizing summonses, executions and other processes of law, issued by justices of the peace in incorporated cities to the marshals of said cities, as also all acts done or performed under and by color of such writs, and protecting such marshals from prosecutions for acts done under and by color thereof.

[APPROVED MARCH 10, 1873.]

Preamble.

WHEREAS, Some of the justices of the peace in incorporated cities in this State have heretofore issued summonses, executions and other processes of law, directed to the marshals of their respective cities, under belief that they had authority so to do, and such summonses, executions and other processes of law have been executed by such marshals under the belief that they had authority so to do, now, therefore,

Summonses,
executions, &c.,
heretofore is-
sued by justices
and directed to
marshals of
incorporated
cities legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all summonses, executions and other processes of law heretofore issued by any justice of the peace of this State, directed to the marshal of any incorporated city in this State, are hereby legalized and made valid and effectual to all intents and purposes the same as if they had been directed to any constable of the county of which said, magistrate was a justice of the peace, and all acts performed or done by any marshal of an incorporated city of this State under and by color of said summonses, executions or other processes of law, are hereby legalized and made valid and effectual to all intents and purposes, the same as if said writs had been directed to and executed by a proper constable of the county in which said justices had jurisdiction; *Provided,* however, that no act, or acts, of such justices or marshals are in any manner hereby legalized, that would have been illegal, had

Service of such
summonses,
execution, &c.,
by such mar-
shals legalized.

Proviso.

in pursuance of said act for school purposes, and a portion of the same applied to the purchase of land and the building of school houses thereon, to the amount of several thousand dollars, and have passed, from time to time, ordinances regulating the grading and draining of streets in said town; and whereas, it has been represented to the General Assembly that the educational interests of said corporation are likely to suffer irreparable injury, and the title to said school houses and real estate thus purchased is liable to fail; therefore,

Acts of incorporation, ordinances, &c., of town of Kentland, legalised.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all acts and parts of acts for the incorporation of the town of Kentland, Newton county, Indiana, and all ordinances concerning streets, and the grading and draining thereof, levying and collection of taxes for school and other purposes, and the purchase of real estate for the building of school houses thereon, and other acts by the several boards of trustees, and other officers of said corporation, be and the same are hereby legalized and rendered valid.

Emergency.

SEC. 2. An emergency is hereby declared to exist for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

CHAPTER LXV.

AN ACT to amend "An Act to incorporate the Lawrenceburg Insurance Company," approved February 3d, 1832.

[APPROVED MARCH 6, 1873.]

Sec. 1 recited.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section 1, of the above recited act, which reads as follows, to-wit: "There shall be and hereby is established in the town of Lawrenceburg, an insurance company, with a capital stock of one hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individual companies or corporations, in manner hereafter specified; which stockholders and subscribers, and their successors, shall be, and hereby are created a body politic and corporate, with perpetual succession, by the name and style of the 'Lawrenceburg Insurance Company,' and by that name shall

be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company, for the security, or in payment of any debts which may become due, and owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favor; and may have and use a common seal, and the same alter, change and renew at pleasure, and may, also, make, ordain and establish, and put in execution, such by-laws, ordinances, rules and regulations, as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs; *Provided*, That no by-laws, ordinances, rules or regulations of said company, shall in anywise be contrary to the constitution and laws of this State or of the United States," be and the same is hereby amended so as to read as follows, to-wit:

That there shall be and hereby is established in the city of Evansville, Indiana, an insurance company with a capital stock of one hundred thousand dollars, which may be increased from time to time, to such additional sum or sums, as may be determined upon by a vote of the majority in value of stockholders, at any regular or called meeting of said stockholders, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals and corporations or companies in manner hereafter specified, which stockholders and subscribers and their successors, shall be and hereby are created a body politic and corporate, with perpetual succession, by the name and style of "The Citizens Insurance company," and by that name shall be competent to contract and be contracted with, to sue and to be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, in all matters whatsoever, with full power and authority, to acquire, hold and possess, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security of, or in payment of any debts which may become due and owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favor; and may have and use a common seal, at the same alter, change and renew at pleasure, and may also make, ordain and establish, and

Insurance company established in city of Evansville. Amount of capital stock of company, how same may be increased, &c.

Amount of shares of said capital stock, payment of.

Body politic, &c.

Name and style of company and powers of same.

Seal.

By-laws, ordinances, &c.

Provido.

Sec. 4 recited.

put in execution such by-laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs; *Provided*, That no by-laws, rules or regulations of said company, shall in anywise be contrary to the constitution and laws of this State, or of the United States.

SEC. 2. *Be it further enacted*, That section 4, of the above entitled act, which reads as follows, to-wit: "Section 4. That the real and personal estate, business, property, funds and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction and control of a board of nine directors, who shall be stockholders and residents within this State, and citizens of the United States, and after the first election, they shall be elected by the stockholders on the second Monday in October, annually, at such time of day and in such place in the town of Lawrenceburg, as said directors for the time being shall direct; they shall hold their office for the term of one year, and until their successors shall be chosen, and notice of such election shall be advertised and published, for three weeks next preceding the same, in a newspaper printed in said town, and such election shall be by ballot; and a plurality of votes by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and every such, and all other meetings of the stockholders, held under the provisions of each shall be entitled to one vote for each share; any stockholder not personally attending such election, or other regular meetings of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it should so happen that an election of directors should not be made on any day, when by this act it ought to have been made, it shall and may be lawful for said company to make an election for directors on any other day in such manner as may be provided for by the by-laws and ordinances of said corporation," be and the same is hereby amended so as to read as follows, to-wit: That the real and personal estate, business, property funds, and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction and control of a board of nine directors, who shall be stockholders and residents within this State, and citizens of the United States, and after the first election they shall be elected by the stockholders on the second Monday in October, annually, at such time of day and at such place in the city of Evansville, as said directors for the time being shall direct;

Property, business, &c., of company shall be under management, &c., of board of nine directors. Qualifications of directors. Time and place of electing directors.

they shall hold their office for the term of one year, and until their successors shall be chosen; and notice of such election shall be advertised and published for three weeks, next preceding the same, in a newspaper printed in said city; and such election shall be by ballot, and a plurality of votes received and counted in public by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and at any such election, and all other meetings of the stockholders held under the provisions of this act, each shall be entitled to one vote for each share; any stockholder not personally attending such election, or regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it shall so happen that an election of directors should not be made on any day when by this act it ought to have been made, it shall and may be lawful for said company to make an election for directors on any other day in such manner as may be provided for by the by-laws and ordinances of said corporation.

Term of office of directors.
Notice of election of directors

Such election, how to be conducted, &c.

Stockholder entitled to one vote for each share of stock.

Vote by proxy.

When directors may be elected on other day than time provided for in this act.

SEC. 3. It is declared that an emergency exists for the immediate taking effect of this act, and, therefore, the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER LXVI

AN ACT to authorize and encourage the construction of levees, dikes, drains and ditches, and the reclamation of wet and overflowed lands, by incorporated associations; and providing for the organization of such associations, and prescribing their powers, and providing for the assessment of the cost of such improvements, and expenses attending the same, upon the lands benefitted thereby, and for the collection of such assessments, and repealing certain acts therein specified, and declaring an emergency.

[APPROVED MARCH 10, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any number of persons, not less than five, who may be interested in constructing any levee, dike, break-water, drain or ditch, or in opening, straighten-

Number of persons necessary to form association to construct levee, drain, ditch,

Ac., for reclaiming overflowed land, &c.

What articles shall specify.

Directors, notice of election of, how to be given.

Election of directors, how to be conducted.

Number of members of association to be elected directors. Vacancy in office of director, how filled.

Articles of association shall be recorded, where.

Association shall be body politic and corporate, when.

Persons interested in contemplated work may become member of association at any time. Who may vote at meetings of stockholders.

Existence of corporation shall be judicially taken notice of by courts.

Association shall keep journal of proceedings, &c.

ing, clearing out or otherwise improving any drain, stream or water-course, or in doing any other work necessary to protect or reclaim any wet lands, or lands subject to overflow, may associate themselves together, and adopt and subscribe articles which shall specify the name and objects of the association.

SEC. 2. Three or more members of the association may give notice that at a time to be specified, and at a convenient place named near the contemplated work, an election will be held for the purpose of choosing directors for the association. The notice shall be printed, and shall be posted up in at least five public places in each township through which the contemplated work will pass, for not less than twenty days previous to the election.

SEC. 3. At the day appointed, a majority of the members of the association having met, shall appoint two judges and one clerk of the election from their number, who shall be sworn to the faithful discharge of their duties, and the members shall thereupon proceed to elect by ballot, not less than three, nor more than seven of their number, directors of the association.

SEC. 4. If a vacancy shall occur in the office of director, the other members of the board shall fill the same by a *pro tem* appointment from the members of the association resident in the county where such vacancy occurs, such appointment to continue until the next annual election, and until a successor is elected and qualified.

SEC. 5. The association shall either before or after the election of directors, cause their articles of association to be recorded in the recorder's office of each county into which any part of the proposed work shall extend, and thereafter such association shall be a body politic and corporate by the name and style so adopted, with all the rights, incidents and liabilities of bodies corporate, and any person interested in the contemplated work shall be entitled at any time to become a member of the association by signing the articles of association, and all persons who have paid assessment in full may vote at any meeting of the stockholders of such association on the question of repairs to such work, and the existence of such corporation shall be judicially taken notice of by all the courts of this State without specially pleading the same.

SEC. 6. The association shall keep a journal of their proceedings, in which shall be entered the oath of the judges and clerk of election, and a statement of the result of the election, which shall be signed by the judges and clerk; and it shall also contain all orders of the board of directors which may be made from time to time, which shall be signed by two of the directors and the clerk of the

board. Such journal shall be *prima facie* evidence in all courts of justice, of all the facts stated therein. A majority of the board of directors shall form a quorum for the transaction of business, and no previous notice of any regular or adjourned meetings of the directors shall be necessary; *Provided*, that the principal office of such association, and all the books, papers and documents belonging to the same shall be kept in this State, in one of the counties through which the proposed work passes.

Such journal shall be *prima facie* evidence in courts of facts stated therein.
Quorum.
No notice of regular or adjourned meeting necessary.
Where principal office of association shall be kept.

SEC. 7. The board of directors shall appoint from their number, or otherwise, a clerk and treasurer. The treasurer shall be required to give a bond with sufficient penalties and sureties, payable to the association by its corporate name, conditioned for the faithful discharge of his duties, and the safekeeping, and prompt payment, according to the order of the board of directors, of all moneys that may come into his hands. The directors, clerk and treasurer shall each take an oath for the full discharge of their respective duties, which shall be entered upon the journal.

Clerk and treasurer shall be appointed and shall give bond.

SEC. 8. The directors, clerk and treasurer shall continue in office for one year, and until their successors are chosen and qualified.

Directors, clerk and treasurer shall each take oath, which shall be entered upon journal.

SEC. 9. No money shall be drawn from the treasury except upon the order of the board of directors.

Term of office of directors, clerk and treasurer.

SEC. 10. The treasurer shall each year, before the expiration of his term, and as much oftener as the board of directors may require, present his vouchers and settle with the board.

Money, how to be drawn from the treasury.

Treasurer shall present his vouchers and settle with board, when.

SEC. 11. Such board shall be empowered to employ an engineer, and by themselves, their engineers and agents, to enter upon such lands as may be necessary to make a survey and estimate the cost of construction of the proposed work, or of such repairs as may from time to time be necessary for its protection and preservation.

Board may employ engineer and enter upon lands to make survey.

SEC. 12. Before causing the contemplated work to be commenced, or any assessment made, the board of directors shall cause a careful survey of the line of the proposed work, and an estimate of the probable cost of the same to be made, and shall enter upon their journal a description of the contemplated work, specifying particularly the points of beginning and ending, and the course and distances of the same, with the general width, depth and grade, if a ditch; the general height, breadth, and shape, if a levee, dike or break-water; or the nature and character of the improvement as accurately as the same can conveniently be stated, together with a detailed statement of the estimated cost of the construction of the proposed work, which estimated cost shall be made in sections or divisions not exceeding one-fourth ($\frac{1}{4}$) of a mile in length, which

Board of directors shall cause survey to be made, and estimate of probable cost of contemplated work.
What board shall enter upon their journal in relation to contemplated work

Estimated cost of proposed work shall be made in sections.

Such description shall be open to inspection.

On application of board of directors, board of commissioners of county shall appoint appraisers to appraise benefits and injuries that may result to lands.

Such appraisers shall be furnished with what.

Time and place of meeting of appraisers.

In case appraisers shall die, &c., place by whom supplied.

Owners of lands liable to be affected by proposed work shall have notice of time and place of assessments of benefits and injuries

How such notice shall be given and served.

description shall be open at all times to the inspection of any person interested in the proposed work.

SEC. 13. The board of directors may then apply to the board of commissioners of each county into which any part of the proposed work shall extend, and shall present to the said board of commissioners a petition signed by a majority of the resident land owners, including members of the corporation of each county interested in the proposed work, praying for the appointment of appraisers, and on proof that a majority of such land owners are petitioners therefor, it shall be the duty of the board of county commissioners to appoint in each county three appraisers, not members of the association, or in any way interested in the proposed work, to appraise the benefits and injuries which will result from the proposed work to the lands in that county affected thereby. The appraisers shall be furnished a copy of the plan and profile of the proposed work, together with a certified copy of the order of the board of commissioners for their appointment. Such appointment shall authorize said appraisers to meet at such time and place in said county for the purpose of making their appraisal, as shall be fixed by the directors of such association. If any one of such appraisers shall die, remove from the county, or decline to act, his place shall be supplied by the board of commissioners.

SEC. 14. Before such appraisal shall be made or commenced, the owners of lands liable to be affected by the proposed work shall have notice of the time and place, when and where the appraisers will begin the examination of lands, and the assessment of benefits and injuries thereto, and of the order in which it shall be intended to proceed with the same, which notice need not specify what lands are to be examined or assessed, but may be general, and addressed to the public. Such notice shall be served personally or by copy at the last and usual place of residence of all owners of such lands residing in the same county in which the lands affected lie, and known to the directors. As to non-resident owners of such lands, and owners whose names or residences are unknown to the directors, such notice may be published for three successive weeks in a newspaper published in the county in which the lands are situated, and proof of the publication may be made by the affidavit of the printer, editor, or publisher of the paper in which it was published, or of the clerk of the board; or such notice may be served on owners of such lands residing out of the county or State by reading, or the personal delivery of a copy of the same to them, and such service may be proved by the affidavit of the person making it.

SEC. 15. At the time and place named by the directors and fixed by such notices, said appraisers shall meet, and shall proceed to examine all the lands in the county in which they have been appointed, the intrinsic or market value of which may be by them believed to be affected by the construction of the proposed work, or by the appropriation of all or any part thereof, for the right of way or other purpose of the association, specified in the application to the board of commissioners under the 13th section of this act, or of any stone, timber, gravel, or other material required by the association specified in such application, and shall make out separate schedules of all such lands in parcels not larger than the smallest United States government sub-divisions of all such lands situated in each county, and shall assess to each tract the full and entire amount of such benefit, which it will in the opinion of a majority of them receive, by the construction of the proposed work, without any regard to the cost of the work, and the injury, which in the opinion of a majority of them it will sustain, which schedule they shall return to the clerk of the association, in whose hands it shall remain open to inspection by any one interested in it, until the meeting of the appraisers to equalize their assessment, as hereinafter provided: *Provided*, that no more full or specific description of any lands, or statement of the names of the owners thereof shall be necessary in such schedule or assessment, than is required by law to be placed on the tax duplicate of State and county taxes.

Appraisers shall meet at time and place named and proceed to examine lands, &c., make out schedules, and assess benefits and damages.

Such schedule shall be returned to clerk of association and remain open for inspection.

Provide.

SEC. 16. The board of directors shall then cause a printed notice to be posted in not less than five public places in each township through which the proposed work extends, naming a time and place in each county through which the proposed work extends, convenient to the proposed work, when and where the appraisers will meet for the purpose of equalizing their assessment, which notices shall be posted at least five days before the time fixed for such meeting. If any lands shall have been included by the appraisers in their assessment, the owners of which reside in the county in which the same are situated, and had no notice of the assessment, it shall be the duty of the directors to cause such owners, if known to them, to be notified in writing or by copy, at their last and usual place of residence, of the time and place of the meeting of said appraisers to equalize their assessments.

Board of directors shall give notice of time and place for equalizing assessment.

In case owners of land have had no notice.

SEC. 17. At the time and place fixed in each county, which time may be the same, or different in different counties, the appraisers appointed in that county shall meet, and shall carefully revise their assessment, and shall hear and determine any complaints which may be made to

Duties and powers of appraisers at their meetings for revision of assessments.

them respecting said assessment, and for that purpose they shall have power to hear evidence, to swear and examine witnesses, to re-examine any lands, if they deem it necessary, to cause surveys and measurements to be made, and to adjourn from day to day or for longer periods, and shall correct the said schedules in the amounts of benefits or injuries, descriptions of property, name of owner, as to them shall seem right and proper according to the facts.

Equalization of assessments where work extends into more than one county.

SEC. 18. In case the proposed work extends into more than one county, the board of directors shall have power, if they shall deem it necessary, before the assessments are finally concluded, to require all the appraisers appointed in the different counties, to meet together for the purpose of equalizing the assessments in the various counties; and when so met, there being not less than two appraisers present from each county, such appraisers shall have power for the purpose of equalizing such assessments, to increase or diminish the assessment of benefits in any county by a *pro rata* increase or diminution of the assessment for benefits upon each tract of land, and not otherwise.

Appraisers shall return their schedule of assessment, with affidavit attached to same, to clerk of association to be filed, with copy of appointment, with county recorder so be recorded.

SEC. 19. The appraisers appointed in each county, after having completed and perfected their schedules of assessment, shall append thereto their affidavit, that the assessments by them was made upon a personal examination of said lands, and is a full, just and true assessment of all the benefits and injuries that will accrue from the construction of the proposed work to the lands affected by it, to the best of their judgment and belief, and shall deliver the same, together with a copy of the order of the board of commissioners, appointing such appraisers, delivered to them, to the clerk of the association, by whom each schedule of assessment thus made and delivered to him, together with such copy of appointment, shall be filed for record in the office of the recorder of the county in which the lands described in it are situated; and from the date of the filing thereof, such assessments shall be respectively a lien on each and every tract of land described therein, for the amount of benefit assessed to such tract; *Provided*, That if the whole amount of such assessments of benefits shall not be equal, to the estimated cost of the proposed work, according to the estimate required by the twelfth section of this act, and the damages assessed, and ten per cent. of the whole amount in addition thereto, then such assessment shall not be filed for record by such clerk, and the proposed work shall not be further prosecuted by said association, unless said deficiency shall be donated and paid into the treasury, or subscribed and secured to be paid on the call of the directors, in the same manner and installments, as are provided for the payment of assess-

Such assessment shall be lien on land, &c.

proviso.

When such assessment shall not be filed for record and work not further prosecuted unless, &c.

ments of benefits; *And provided further*, That no such assessment shall be a lien upon any tract of land for a greater sum than the estimated cost of the construction of the proposed work, or of making the repairs, or improvements sought to be made, together with the necessary expenses of such company or corporation procuring such assessment, all of which expense and cost of construction shall be included in the estimated cost of construction hereinbefore provided for, pro rated to each tract of land in proportion to the amount of benefits assessed in said tract.

Assessment shall not be lien upon tract of land for greater sum than estimated cost of construction, &c.

SEC. 20. If at any time it shall appear to the board of directors that any lands that will be affected by the proposed work have been omitted from the assessment, or that any mistake has occurred in the assessment, they shall have power, by an order to be entered on their journal, to cause a supplemental assessment, or different supplemental assessments to be made by the same appraisers, for the supplying of such omissions and the correction of such mistakes. The owners of all lands embraced in and directly affected by any such supplemental assessment, shall have notice of the time and place of making the same, and of a time and place when and where they shall be entitled to be heard in respect to the same, in the same manner as is provided in respect to the original assessment. Such supplemental assessments, [when] where completed, shall be verified as the original assessment, and filed for record in the same manner, and shall from that date be a lien on the lands described in them, in like manner as the original assessment.

Supplemental assessment, in what cases and how made.

SEC. 21. Any person owning or having any interest in any lands embraced in any such assessment, and feeling aggrieved by such assessment, may appeal therefrom to the circuit court or court of common pleas of the county in which the lands affected are situated, at any time within thirty days from the filing of the assessment in the office of the recorder, and unless such persons be the owner of the legal title, such person shall file in the office of the clerk of the court to which the appeal is taken, an undertaking payable to the association in its corporate name for the payment of all costs that may be adjudged in favor of such association, on such appeal, with surety to be approved by such clerk, together with a written statement containing the date of the filing for record of the assessment from which the appeal is taken, a description of the lands, in respect to which the repeal is taken, and a brief specification of the grounds of complaint. If the party thus appealing is not a member of the association, he may insist in such appeal upon any legal objection to the assessment, or any part of it; if he is a member of the association, he shall not be allowed to make any objection to the assessment, except

Appeal from assessment, when and how taken.

Member of association appealing, in what

particular he may make objection to assessment. Such appeal, how tried, and burden of proof. Assessment shall not be avoided.

What court on jury shall determine by finding on verdict.

Lien pending such appeal.

Costs, who shall recover same.

If proposed work exceed five miles in length, how same shall be let.

If proposed work shall not exceed five miles, the same shall be let, how. Person through whose land proposed work shall pass shall be entitled to do so much thereof, &c., provided, &c.

Board of directors shall have power to collect what portion of assessments.

Board of directors shall execute bond before entitled to enforce collection of assessments.

such as relates to the amount of the same. Such appeal shall be tried as other civil actions are tried, and the burden of proof shall be upon the party appealing. If it shall be found by the court or jury trying such appeal that the assessment appealed from is erroneous in amount and not otherwise, the assessment shall not be avoided thereby, but such court or jury shall determine by their finding or verdict, what the amount of the assessment upon or in favor of the lands embraced in the appeal, whether of benefits or damages, should be, and the amount thus ascertained shall stand and be enforced as the amount of the assessment. Pending such appeal, the lien of the assessment appealed from shall not be destroyed, or suspended, but shall remain and be enforced for whatever amount, if any, shall be adjudged on the appeal in favor of the association. If the party appealing shall succeed to reduce the amount of benefits assessed against him, or to increase the amount of damages assessed in his favor, by an amount equal to or greater than one-tenth of the amount of the assessment, he shall recover costs, otherwise the association shall recover costs.

SEC. 22. If the proposed work shall exceed five miles in length, it shall be let by the board of directors, by contract, to the lowest responsible bidder, after suitable advertisement, as a whole, or in such sections or sub-divisions as the board may deem most advantageous; if the proposed work shall not exceed five miles in length, it may be let by contract, or done under the direction and supervision of the board of directors, as they shall deem best. But in any case, any person through whose land the proposed work shall pass, shall be entitled to do so much of the proposed work as is upon his land; *Provided*, he shall make application for that purpose within twenty days after the filing of the assessment; *And, Provided*, he shall undertake to do such work upon equally favorable terms with those offered by any one else.

SEC. 23. The board of directors shall have power to collect only so much of such assessment as shall be necessary for the construction of the proposed work, and for its protection and repair, and to defray the necessary expenses of organizing the association and making and enforcing the assessment. For these purposes they shall have power, without reference to the completion of the proposed work, to order the payment of the assessment in installments not exceeding ten per cent. per month, of the entire amount of such assessment; *Provided*, that before such board of directors shall have power to demand or enforce the collection of any portion of such assessment, they shall execute in each county, through which the proposed work passes, a

bond payable to the State of Indiana, in a sum equal to the entire amount of the assessment ordered paid in that county, conditioned for the faithful application of all moneys collected by them on such assessment, to the lawful and necessary purposes of the association, each of which bonds shall be signed by one or more freehold sureties resident in the county in which it is filed, and it shall be approved by the board of commissioners of the county in which the assessment to which it relates was made, and recorded and deposited with the auditor of such county. Suit may be brought on such bond in the county in which it was approved and filed, or in any county in which any of the obligors in the same resides, upon the relation of any person injured by any mal-conduct of the board of directors in the expenditure of the money collected on the assessment.

Such bonds shall be signed by freehold sureties and approved by Board of Commissioners.

Suit may be brought on such bond by whom and where.

SEC. 24. Payment of the assessments of benefits may be enforced by the foreclosure of the lien in any court of competent jurisdiction in the same manner as is provided by law for the foreclosure of mortgages and the sale of mortgaged premises for the collection of debts, and payment of damages assessed for injuries to lands may be enforced by an action in a like court. In any suit by any such association to enforce such assessment, if the defendant shall have had actual notice within or without this State, of the time of making such assessment, or of the time and place of the meeting of the appraisers to equalize the assessment, or if the defendant shall have taken an appeal from such assessment, or if the defendant shall be a member of the association, then, and in each and every one of such cases the defendant shall not be allowed to make any defense to such suit which might have been made on appeal from such assessment, or to deny the public utility of the proposed work, or to deny that his lands embraced in the suit, are, or will be benefited to the amount assessed against them. In any suit in which the defendant shall be entitled under the foregoing provisions to question the amount of the assessment upon which the suit is brought, if it shall appear upon the trial that the assessments of benefits upon the lands of the defendant embraced in the suit is too high, or that lands have been omitted from the assessment that ought to have been included in the same, or that any other error has occurred in the proceedings, by which the amount of benefits assessed upon the lands of the defendant, or the amount which he shall have been required by the directors of the association to pay, has been unduly increased, then, and in every such case, the assessment upon such lands shall not be entirely invalidated thereby, but the court or jury

Payment of assessments of benefits may be enforced by foreclosure of lien.

Payment of damages assessed for injuries may be enforced.

In what cases in suit by association to enforce assessment, defendant shall not be allowed to set up certain matters in defence.

In case it should appear upon trial that assessment of benefits is too high or that lands have been omitted, &c., assessment shall not be entirely invalidated.

Court or jury shall in such

case determine assessment of benefits, &c.

Judgment shall be rendered for plaintiff for what sum, &c.

Costs in such cases, who shall recover same.

Demand shall be made by association of amount claimed before suit is brought if defendant is resident of county where suit is brought.

Lands, timber, stone, &c., desired to be appropriated, damages shall be assessed for.

Members of association shall be individually liable for debts contracted.

Association shall have power to correct or perfect description of work, alter line or location of proposed work, &c.

Additional work and collection of assessments, how to be done and made.

Acts repealed.

trying such cause shall determine from the evidence, what would be a fair and and just assessment of benefits to the lands embraced in the suit, which sum shall be stated in the finding or verdict of the court or jury, and the sum thus found shall stand and take the place of the sum assessed upon the same lands in the assessment upon which suit is brought, and judgment shall be rendered for the plaintiff for such proportion of the sum so found, as the defendant ought, under the order of the directors, to be required to pay; *Provided*, That if the amount of the judgment recovered by the plaintiff in such cases, shall be one tenth less than the amount demanded and claimed to be recoverable in the complaint, the defendant shall recover costs. Before any suit shall be instituted for the collection of any assessment, the amount claimed by the association to be due shall be demanded of the defendant by the treasurer of the association or some person by him authorized, if the defendant is a resident of the county in which the lands are situated, otherwise no demand shall be necessary.

SEC. 25. If the association shall seek to appropriate any lands, timber, stone, gravel, or other materials for the construction or maintenance of any such works, they shall proceed in the manner required by law for the assessment of like damages, in case of the construction of railroads, canals or other similar works.

SEC. 26. The members of every such association shall be individually liable for all debts contracted by, and all damages assessed and accrued against the association during their membership.

SEC. 27. Every association organized under the provisions of this act shall have power, with the concurrence or three-fourths of its members, expressed by resolution at any regular meeting of the association, or by supplementary or additional articles of association, to be signed by the members, and recorded as the original articles, to correct or perfect any incorrect or imperfect description of the proposed work in the articles of association, or to alter the line or location of the proposed work, or to provide for the extension of the proposed work beyond the limits prescribed in the original articles of association, or for the construction of branches or tributaries to the same. In all such cases the directors of the association shall be governed as to the mode and manner of doing such additional work, and the making and collection of assessments to defray the expenses of the same by all the rules and regulations hereinbefore prescribed for the original or main line.

SEC. 28. *Be it further enacted*, That an act entitled "An Act to authorize and encourage the construction of

levees, dikes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which took effect without executive approval May 22nd, 1869, and an act entitled, "An act supplemental to an act entitled, an Act to authorize and encourage the construction of levees, dikes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect May 22nd, 1869, and prescribing penalties for the violation of the provisions thereof," approved February 23d, 1871, be, and the same are hereby repealed.

Sec. 29. Nothing in this act contained shall authorize any company, now, or hereafter organized, to issue or sell bonds for any purpose whatever; *Provided*, That the existence, and the rights, franchises, and powers of all incorporated companies or associations organized under said act, or under any prior law of this State, repealed by said act, the main line of whose contemplated work does not exceed sixteen miles in length, shall be saved unimpaired and unaffected by such repeal; and such companies and associations, and all members thereof, shall be entitled to all the rights and privileges conferred, and subject to all the liabilities and restrictions imposed by this act; and all such organizations may prosecute and complete their proposed work, and make and collect assessments to defray the costs of the same under the provisions of this act, in the same manner as if they had been organized under the same, and not otherwise.

Company shall not issue or sell bonds. Companies or associations organized under said acts repealed whose main line of contemplated work does not exceed sixteen miles in length, shall be saved unimpaired, and may be completed under this act.

Sec. 30. No action shall be commenced by any company, to enforce any lien upon land for benefits assessed after the expiration of five years, from and after the date of recording the schedules of assessment constituting such lien, as contemplated by this act; and any such assessment made pursuant to any former law of this State, upon the same subject, when no action is pending for the enforcement of the same, it shall be *prima facie* satisfied, upon the record thereof after the lapse of five years, from and after the recording of the schedules of such assessment.

Acts to enforce lien for benefits assessed shall not be commenced after five years, &c.

Sec. 31. An emergency exists for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage.

Emergency.

CHAPTER LXVII.

AN ACT supplemental to, and repealing section thirteen, of an act entitled "An Act to establish public libraries, approved February 16th, 1852, defining the powers of cities in relation thereto, providing for the collection of fines and forfeitures imposed by library associations, and permitting other corporations to take stock in the same."

[APPROVED MARCH 8, 1873.]

Sec. 13 repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section thirteen of the act entitled "An Act to establish public libraries," approved February 16th, 1852, be and is hereby repealed.

Stock in library association personal property, transferable and exempt from taxation and execution.

SEC. 2. All stock in such library association shall be deemed personal estate and shall be transferred in the manner and under the conditions prescribed by the by-laws of the same; and such stock shall be exempt from the levy of any State, County, township, or municipal tax, and shall not be liable to execution for the debts of the owners of the same.

Shareholder at meetings entitled to one vote for each share of stock.

Vote by proxy.

SEC. 3. At all meetings of shareholders, each shareholder shall be entitled to one vote for each share of stock held by him, and provision shall be made by the by-laws by which absent shareholders may vote by proxy.

Reading room and museum.

SEC. 4. Library associations may make such provisions, as the board of directors may deem proper, for maintaining, in addition to the library, a reading room and museum.

Fines and forfeitures, recovery of.

SEC. 5. All fines and forfeitures, accruing from the violation of the by-laws and regulations made by the directors, shall be recoverable with costs in an action before any court of competent jurisdiction, and judgments for the same shall be collected without relief from valuation or appraisement laws.

Mining, manufacturing, and other voluntary associations of State may subscribe to and purchase stock in such library. Repealing clause.

Incorporated city of this State may subscribe to public library.

SEC. 6. Any mining or manufacturing company or other voluntary association within the State, shall have the power to subscribe to, and purchase stock in such library associations, and the provisions of all laws inconsistent with this section are hereby repealed.

SEC. 7. Any city incorporated under the laws of this State, may by the vote of two-thirds of the members of the common council thereof, subscribe to the stock of any public library association organized within its limits, and for the payment of such shares of stock, and the assessments on the same, may, from time to time, as the common

council may think proper, annually levy, and collect, not more than two mills on the dollar upon the taxable property within the limits of the city, which shall be paid into the city treasury and applied to the payment of such stock and assessments made thereon.

Levy of tax to pay assessment on such shares of stock.

SEC. 8. The common council of such city shall have the power, in their discretion, to cause the distribution and transfer of shares of stock held by the city as prizes to the children of the public schools in the city, for good behavior and scholarship.

Shares of such stock held by city may be distributed and transferred as prizes to children of public schools.

SEC. 9. Upon the dissolution or forfeiture of the franchises of such library association, in which any city may have purchased stock, and is, at the time of such dissolution or forfeiture, the holder of one-third of the shares of the whole stock, the property of such association shall become the property of the city, for the free use and enjoyment of the inhabitants of such city, under regulations to be prescribed by the common council, and the common council shall thereafter control such library and shall have power to increase the same, and levy and apply the tax provided for in section seven of this act, to the increase and expenses of such library.

When property of library association shall become property of city, and management of same, &c.

SEC. 10. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Emergency.

CHAPTER LXVIII

AN ACT authorizing the Governor, Auditor and Treasurer of State to make a temporary loan.

[APPROVED MARCH 10, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of carrying on the government, if it shall become necessary, to meet the appropriations for the present fiscal year, it shall be lawful for the Governor, Auditor and Treasurer of State to make temporary loans to meet such appropriations, to be repaid out of the funds appropriated at the present session of this General Assembly for the purposes aforesaid, when they shall be paid into the treasury.

Gov., aud. and treas. of State authorized to make temporary loan to meet expenses of fiscal year.

Loan, how to be repaid.

Debt so contracted to be binding on State.

Money so borrowed to be paid into State treasury, and how drawn out.

Emergency.

SEC. 2. Any debt created under the first section of this act shall be binding on the State of Indiana, and for the payment thereof, with the interest thereon, the faith of the State is irrevocably pledged.

SEC. 3. Any money so borrowed by the Governor, Auditor and Treasurer of State shall be paid into the State treasury, and shall be drawn out on the warrant of the Auditor of State as in other cases.

SEC. 4. There being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage.

CHAPTER LXIX.

AN ACT for the relief of the Lye Creek Draining Association.

[APPROVED MARCH 10, 1873.]

Twenty-five citizens of county who are freeholders may make petition to board of co. commissioners.

What said petition shall set forth.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That twenty-five citizens of a county, who are freeholders, may make out and present to the board of county commissioners of their county, a petition which shall set forth distinctly the following facts, to-wit: That a company has been organized in their said county under an act of the General Assembly, "To encourage the construction of levees, dikes and drains, and the reclamation of wet and overflowed lands by incorporated companies;" and that said company, called by the name of The Lye Creek Draining Association, of the county of Montgomery, in said State, has heretofore began and completed in said county the work for which it was organized; and that said company, owing to a mistake, or the inadvertence of their engineer, in computing the amount of assessment or benefits over and above the damages; and also in not estimating the supposed cost of the work at as great an amount as was the actual cost of construction; or their officers and sureties have suffered great personal loss, for which there is no remedy provided by the act under which the said company was organized, and shall also set forth that the drain or ditch, with its branches, is of great public utility, and will greatly enhance the revenues of the county and of the township in which it is located, and may ask for an allowance out of the county treasury to indemnify the company or its sureties for loss sustained in making

Allowance may be asked out of co. treasury to indemnify company, &c.

such ditch or drain, to be paid to some person named in the petition.

SEC. 2. When a petition setting forth facts substantially as indicated in section one (1) of this act shall be presented to the board of county commissioners of the proper county at any regular term, it shall be lawful for such board of county commissioners to appoint three discreet men of the county, not residents of the vicinity of said ditch or drain, who shall be a board of examiners to ascertain the certainty of the facts alleged in said petition. Said persons shall be notified by the county auditor to meet on a certain day, at noon, at his office, and shall take an oath to make diligent inquiry and true report of the truth of the material statements set forth in the petition, a copy of which shall be furnished them, and the oath endorsed thereon. Such board of examiners shall inspect the books and papers of said company, its articles of association, plans and specifications of the engineer, and ascertain what amount of loss, if any, has been sustained by said company, its officers or sureties, on account of completing such ditch or drain and tributaries, by reason of the erroneous statement and estimate of the engineer, together with ten per cent. interest after the occurring of the loss. Such board of examiners shall also make personal inspection of the work done by said company, and report of their judgment, as to its utility, permanence, and as to its sanitary effects upon the inhabitants of the vicinity, with such other facts as they may deem pertinent and proper. They shall also examine the county assessor who may appraise the property in the vicinity of said ditch, drain or tributaries, and with his assistance determine as nearly as practicable what increased value of property for the year 1873 will be entered upon the tax duplicate of the county on account of the construction of such ditch and tributary, and also as near as practicable designate the civil township or townships that will profit by the increase of revenue. And said board shall write out their report and give the same to the auditor to be submitted to the board of county commissioners at their next regular term; and said examiners shall be each allowed three dollars (\$3.00) per day for time actually employed, to be paid out of the county treasury.

When county commissioners may appoint persons who shall constitute board of examiners to ascertain certainty of facts alleged in said petition.

County aud. to notify persons of their appointment, when and where such persons shall meet and qualify, &c.

Board of examiners, duties of.

Board of examiners shall write out report and give same to aud. to be submitted to board of county commissioners. Examiners' allowance per day.

When and what allowance board of county commissioners may make, and payment of same.

SEC. 3. The board of county commissioners shall examine said report when presented, and if it agrees substantially with the facts alleged in the petition, they may, at their discretion, make an allowance to be paid out of the county treasury to the party designated in said petition, not exceeding in amount the actual loss sustained by said company as shown by the report of the board of examiners,

to be paid in such installments as they may deem proper; *Provided*, the amount paid shall not exceed in any year the amount which the county revenue may be increased no account of the increased amount and value of taxables, caused by the construction of said ditch or drain, as shown by the report of the board of examiners.

Board of county commissioners may assess certain per cent to each township, &c.

Such levy shall be entered upon duplicate.

Provido.

SEC. 4. And said board of county commissioners may at their proper term for making assessments for county purposes, at their discretion, assess a certain per cent. to each township whose revenues from taxation are increased by the construction of such ditch or drain, which levy shall be entered in a proper column upon the duplicate for the township; which sum shall be collected and retained in the county treasury to indemnify the county in part for the allowance made to the officers or surety of said draining company; *Provided*, such levy shall not produce more revenue than the said township would have derived from increased value of property on account of such ditch or drain.

CHAPTER LXX.

AN ACT to place directors and other officers of Macadamized and gravel road companies organized under the laws of this State, whenever they may have become creditors of such corporations, on equal terms with other creditors, in any and all suits, for the collection of money due them, and to repeal all laws in conflict herewith.

[APPROVED MARCH 7, 1873.]

Director or other officer of Macadamized or gravel road shall stand on equal terms with other creditors in suits against company for collection of debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever any director or other officer of any Macadamized or gravel road company heretofore organized under the laws of this State, shall have become a creditor of any such corporation, for money loaned to the same and actually used in the original construction of such road, such director, or other officer, shall stand on equal terms with any other creditor in any and all suits for the collection of his debt.

Director of such road shall have right to purchase road on sale of same upon judgment.

SEC. 2. In the event of the sale of any such Macadamized or gravel road upon any judgment rendered against the same, such director, or other officer, shall have the same right to purchase such road that any other person might have, under existing laws.

SEC. 3. All laws in conflict with this act are hereby re- Laws repealed.
pealed.

SEC. 4. An emergency exists for this act, and the same is Emergency.
hereby declared to be in force from and after its passage.

CHAPTER LXXI.

AN ACT to legalize the official acts of the several boards of trustees of the town of Mooresville, Morgan county, Indiana, and to legalize the acts of the incorporation thereof, and all other officers of said corporation, under "An Act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11th, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

WHEREAS, The said town of Mooresville was duly and Preamble.
legally incorporated under and in pursuance of the above entitled act;

AND, WHEREAS, It appears that at the time said town was incorporated there was a failure to make a record of said incorporation in the recorder's office in said Morgan county, Indiana, in which said incorporation was had in the year 1859;

AND, WHEREAS, The said board of trustees of said town failed in the years 1867 and 1870 to hold elections at the time fixed by law for the electing of officers of said incorporated town;

AND, WHEREAS, In the year 1870 said board of trustees failed to make an assessment for taxation in said town;

AND, WHEREAS, Said several boards of trustees thereof have from time to time levied taxes in pursuance of said act for school purposes, and to build a school house therein, and have a fund for said purpose, and have from time to time passed ordinances regulating the grading of streets in said town;

AND, WHEREAS, It has been represented to the General Assembly that the educational interest of said corporation is likely to suffer irreparable injury, and the title to the real estate to be purchased and house erected; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all acts and parts of acts, and all ordinances concerning streets and the grading thereof, Acts of board of trustees of town of Mooresville in relation to streets, in-

corporation,
elections, &c.,
legalized.

acts of incorporation, and legalizing the same, elections held therein, levying of taxes for school purposes, and the purchase of real estate for school house and seminary in said corporation, by the several boards of trustees thereof, be, and the same are hereby legalized and rendered valid, as though the records were all properly made, and elections properly had and held.

Emergency.

SEC. 2. An emergency exists requiring the immediate taking effect of this act, therefore this act to be in force from and after its passage.

NOTE.—The foregoing act was presented to the Governor on the 8th day of March, A. D. 1873, and the final adjournment of the General Assembly took place on the 10th day of March, A. D. 1873, and the act not having been acted upon before said adjournment, or within five days thereafter, took effect without executive approval on the 15th day of March, A. D. 1873.

CHAPTER LXXII.

Women eligible
to what offices.

AN ACT declaratory of the law of this State, as to the eligibility of women to certain offices therein mentioned.

[APPROVED MARCH 10, 1873.]

Women not eligible to office who cannot bind themselves by official bond. Women heretofore elected or appointed to office to be deemed to have been eligible thereto, unless laboring under disability to give bond.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That women are hereby declared to be eligible to any office, the election to which is or shall be vested in the General Assembly of this State, or the appointment to which is or shall be vested in the Governor thereof.

SEC. 2. The foregoing section shall not include women who labor under any disability which may prevent them from binding themselves by any official bond.

Emergency.

SEC. 3. No woman heretofore elected or appointed to any office included in or contemplated by the first section of this act, shall be deemed to be or to have been illegible thereto, if she was laboring under no disability preventing her from binding herself by an official bond, but all such elections and appointments are hereby legalized.

SEC. 4. An emergency is hereby declared to exist for the immediate taking effect of this act, wherefore, the same shall take effect and be in force from and after its passage.

CHAPTER LXXIII.

AN ACT relating to prosecutions by affidavit and information.

[APPROVED MARCH 8, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter prosecutions in the circuit courts for misdemeanor cognizable therein may be by affidavit, as well as by indictment by the grand jury, and all laws on the subject of prosecutions by affidavit, not inconsistent herewith, shall apply to all misdemeanors.

Prosecutions in circuit court for misdemeanors may be by affidavit.

SEC. 2. Nothing herein contained shall be construed to change the law permitting prosecutions by indictment.

Law permitting prosecutions by indictment unchanged. Emergency.

SEC. 3. An emergency exists for the immediate taking effect of this act, the same shall therefore, be in force from and after its passage.

CHAPTER LXXIV.

AN ACT to amend section 103, of an act entitled "An Act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State," approved June 17, 1852.

[APPROVED FEBRUARY 21, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section 103 of said act be, and the same is hereby amended so as to read as follows, to-wit:

Sec. 103 amended.

SEC. 103. The jury being empanelled and sworn, the trial may proceed in the following order:

Sec. 103 as amended.

First. The prosecuting attorney must state the case, and offer the evidence in support of the prosecution.

Pros. attorney to state case and offer evidence.

Second. The defendant, or his counsel, may then state his defense, and offer evidence in support thereof.

Def't may state case and offer evidence. Parties may offer rebutting testimony unless court, &c.

Third. The parties may then, respectively, offer rebutting testimony only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case.

Fourth. When the evidence is concluded, the prosecu-

Case, by agreement, may be

- submitted without argument. ing attorney and the defendant or his counsel, may, by agreement in open court, submit the case to the court or jury trying the same, without argument, but if the case is not so submitted without argument, the prosecuting attorney shall have the opening and closing of the argument, but he shall disclose in the opening, all the points relied on in the case, and if in the closing, he refers to any new point or fact not disclosed in the opening, the defendant or his counsel shall have the right of replying thereto, which reply shall close the argument in the case. If the prosecuting attorney shall refuse to open the argument, the defendant or his counsel may then argue the case, and that shall be all the argument allowed in the case.
- Prosecuting attorney shall have the opening and closing of argument.
- When defendant shall have the right of replying and closing argument.
- Charge of the court to jury. *Fifth.* The court must then charge the jury, which charge, upon the request of the prosecuting attorney, the defendant or his counsel, made at any time before the commencement of the argument, shall be in writing, and the instructions therein contained, numbered and signed by the court.
- In case special instructions are asked by pros. att'y or counsel for def't. *Sixth.* If the prosecuting attorney, the defendant or his counsel, desire special instructions to be given to the jury, such instructions shall be reduced to writing, numbered and signed by the party, or his attorney, asking them, and delivered to the court before the commencement of the argument.

CHAPTER LXXV.

AN ACT supplemental to "An Act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12th, 1869.

[APPROVED JANUARY 30, 1873.]

Tax shall not be placed upon duplicate for stock in or donation to R. R. co. until such road shall have been permanently located in county or township, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That no tax shall be placed upon the duplicate of any county for the purpose of taking stock or making donations to railroad companies, by any county or township pursuant to the provisions of an act entitled "An Act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, until

such railroad shall have been permanently located in the county or township making the donation or taking the stock.

SEC. 2. In all cases where stock has been taken or donations made by any county or township for the purpose of aiding in the construction of any railroad pursuant to the above entitled act, and the special tax authorized thereby has been placed upon the duplicate of the proper county for collection, the auditor and treasurer of such county shall suspend the collection of such tax, but the same shall be carried forward on the duplicate without being returned delinquent, until such railroad is permanently located in said county or township, and has expended an amount of money in the actual construction of said railroad in said county or township equal to the amount of money to be donated to or stock to be taken in said railroad company by said county or township; and if said railroad company shall not, within three years after said tax has been placed upon the duplicate of the proper county for collection, have expended in the actual construction of said railroad in said county or township, an amount of money equal to the amount of money to be donated to or stock to be taken in said railroad company by said county or township, the board of commissioners may, in their discretion, make an order annulling and cancelling such subscriptions of stock or donations of money, upon the application of twenty-five freeholders of the county through which said railroad shall pass, upon said freeholders having given thirty days public notice immediately preceding the term of the commissioners court at which said application is to be made, of their intention to make such application; *Provided, further*, that whenever it is shown to the satisfaction of the board of commissioners that the amount of work done by any railroad company in any county or township taking stock in or donating money to such railroad company is equal to the stock taken or donation made, it shall be the duty of the board of commissioners to order said tax to be collected at once, as though the same had never been suspended.

Where such tax has been placed on duplicate and. and treas. of county shall suspend collection of same.

Tax so placed on duplicate shall be carried forward until road has been permanently located and certain amount of money expended.

When board of commissioners may make order annulling and cancelling subscription of stock and donation.

When board of commissioners shall order tax to be collected as though same had not been suspended.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

Emergency.

CHAPTER LXXVI.

AN ACT to provide for the crossing of railroads, the keeping in repair such crossings, and providing for the expense thereof.

[APPROVED MARCH 7, 1873.]

When and what railroad co. shall construct and be at the expense of constructing railroad crossing.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That where it becomes necessary for the track of one railroad company to cross the track of another railroad company, the company owning the road last constructed at such crossing, shall, unless otherwise agreed to between such companies, be at the exclusive expense of constructing such crossing in a manner to be convenient and safe for both companies.

R. R. companies to keep their respective roads in order at such crossings.

SEC. 2. Whenever such railroad crossing is constructed in the manner provided for in the first section of this act, it shall be the duty of each company, respectively, to maintain and keep in repair its own track, so as at all times to provide a ready, safe and convenient crossing for all locomotives or trains passing on either road at such point.

Emergency.

SEC. 3. Whereas, there is no law now in force upon the subject of keeping railroad crossings in repair, and providing for the expense thereof, an emergency is declared to exist for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

CHAPTER LXXVII.

AN ACT to authorize railroad companies organized under the laws of the State of Indiana, to make contracts for the use of their tracks by the trains of each other, and to ratify *bona fide* contracts for such purposes heretofore made.

[APPROVED MARCH 10, 1873.]

Railroad company may enter into contracts for the running of trains over the road of another R. R. co., &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all railroad companies now organized, or that may be hereafter organized under the laws of this State, having connecting roads, may enter into contracts by their respective boards of directors, by which the locomotives and trains of one railroad company, for the

transportation of freight and passengers, may be run and operated over and upon the track and road of another railroad company, upon such terms as the said companies may agree upon.

SEC. 2. All contracts heretofore made in good faith, between railroad companies organized under the laws of this State, acting by their respective boards of directors, by which the locomotives and trains of one railroad company, for the transportation of freight and passengers, are to be run and operated over the track and road of another railroad company, are hereby ratified and made legal.

Contracts heretofore made for running trains over another R. R. co. ratified.

SEC. 3. Every railroad company that shall run and operate its locomotives and trains, upon the track and road of another railroad company, shall be liable to third persons for all damages occasioned by such locomotives and trains in the same manner, and to the same extent, as though the track and road upon which such locomotives and trains were run and operated belonged to the company owning and operating the same.

Railroad companies running trains over another R. R. co. shall be liable to third persons for damages, &c.

SEC. 4. It is hereby declared that an emergency exists, and that this act shall take effect and be in force from and after its passage.

Emergency.

CHAPTER LXXVIII.

AN ACT to give security to persons who contract with railroad corporations to perform work and labor in the construction of railroads, and declaring an emergency.

[APPROVED MARCH 10, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all persons who, by contract with any railroad corporation or company, shall perform work or labor for any such corporation or company in the way of grading, building embankment or making excavation for the track of any railroad, and all persons who, by contract shall build bridges or trestle work for any railroad corporation or company, shall have a lien upon such grading, embankment or excavation, and upon such bridges or trestle work which they may have built pursuant to any contract made with any railroad corporation or company, and upon materials furnished therefor; *Provided,* that the

Persons who by contract shall perform labor on railroad shall have lien on such railroad for such labor, &c.

Proviso.

Provisions of this act not to apply to railroads in operation.

Notice of such lien, how given and enforced.

provisions of this act shall not apply to work done or materials furnished for railroad corporations whose roads are in operation.

SEC. 2. Any person desiring to acquire such lien, shall give notice of his intention to hold such lien, by causing a notice thereof to be recorded in the recorder's office of the proper county in the same manner and within the same time as is provided by law for giving notice of mechanic's lien, and any person having given such notice within the proper time may enforce such lien in the same manner as mechanics liens are enforced.

Provisions of this act applicable to what cases.

SEC. 3. The provisions of this act shall be applicable in all cases where persons shall have performed work or labor as contemplated in the first section of this act, and shall not have abandoned the possession and control of the same at the time this act shall come into force.

Emergency.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

CHAPTER LXXIX.

AN ACT to incorporate trustees, selected by any religious society, for educational, benevolent, or charitable purposes, and enable them to receive and hold real and personal property for such purposes.

[APPROVED MARCH 8, 1873.]

Members of church or religious society may give notice and elect or appoint trustees, who shall be body politic, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the members of any church or religious society of any denomination whatever, may, after giving ten days notice, by posting up written or printed notices in three public places in the vicinity of the place where such church or society usually meets for worship, specifying the time and place of such election or appointment, at any regular or called meeting of such church or society, elect or appoint, according to the usages or customs of such society, not less than three, nor more than nine trustees, who shall be a body politic and corporate, by such name as such society may elect and designate, for any educational, benevolent or charitable purposes.

SEC. 2. The clerk of such society shall issue to such trustees, a certificate setting forth that they have been elected or appointed for such purpose, which certificate, shall, within twenty days from its date, be recorded among the miscellaneous records of the county, in which such election or appointment is made, and from the date of such recording; said trustees shall be deemed a body politic and corporate, by such name as may have been designated by such society; and as such may sue and be sued, contract and be contracted with; and shall have authority to receive conveyances of lands, not exceeding twenty acres, by purchase, devise, or gift, and hold the same to them and their successors in perpetuity, for the sole and exclusive uses and purposes of carrying out the objects of such corporate body.

Clerk of society shall issue to trustees certificate which shall be recorded.

Powers of body corporate.

SEC. 3. And such corporation shall have power and authority to acquire and possess for the uses and purposes, and furtherance of the objects of the same, moneys and personal property, by bequest, donation or otherwise, to any amount not exceeding one hundred thousand dollars, and may appropriate the same, and the income or interest thereof, and all other funds in their hands, for the purposes designated by such society, not inconsistent with their trust, nor inconsistent with the conditions of any devise, bequest or donation made to them.

Corporation shall have power to acquire property in am't not exceeding \$100,000.

SEC. 4. Such trustees are empowered to sell, loan, or otherwise dispose of their corporate property, but not in any manner inconsistent with the duties or objects of their trust.

Trustees may sell, loan and dispose of corporate property.

SEC. 5. Such trustees shall procure a corporate seal.

Seal.

SEC. 6. Such trustees shall at their first meeting, elect one of their number president, another secretary, and another treasurer, and shall procure a well bound book of not less than three hundred pages, in which shall be kept accurate minutes of their proceedings.

President, secretary and treasurer, election of. Record of proceedings shall be kept.

SEC. 7. Such church or religious society shall, at the time of election or appointment of such trustees, elect or appoint one of them to serve one year, one of them two years, and the other three years from the date of their appointment; and said society shall, each year, elect or appoint a trustee to succeed the one whose term expires, and may also, at any regular meeting of such society, elect or appoint a trustee to fill any vacancy that may occur in said board of trustees, by death, resignation or otherwise.

Trustees, election or appointment of, and their terms of office.

Vacancy in office of trustee.

SEC. 8. Should there be from any cause, a failure to elect or appoint a new trustee as required, those in office shall continue to hold until successors are properly elected or appointed.

Trustee to continue in office until his successor is elected and qualified.

SEC. 9. The treasurer of such board of trustees shall

Treasurer shall give bond.

Suit on treasurer's bond; when and by whom suit may be instituted on same.

By-laws and rules.

Emergency.

give bond with freehold surety, to be approved by the president of the board, payable to the State of Indiana in a sum not less than double the amount of moneys at any time in his hands, conditioned for the faithful and honest discharge of the duties of his trust; and in case of breach of said bond, any member of the society electing or appointing such trustees, may maintain an action upon said bond as relator, the money recovered thereon to be paid to said corporate body.

SEC. 10. Such board of trustees are empowered to make such by-laws and rules necessary to carry out the objects of their trust.

SEC. 11. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

CHAPTER LXXX.

AN ACT to fix the salaries of the judges of the supreme court, superior, and criminal circuit courts of this State, and to provide for the time and manner of payment.

[APPROVED MARCH 10, 1873.]

Judges of sup. court, salaries of, when and out of what funds to be paid,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be allowed to each of the judges of the supreme court an annual salary of four thousand dollars, payable quarterly out of any moneys in the treasury belonging to the general fund not otherwise specifically appropriated by law; and that such salary is allowed from the first day of January, 1873.

Judges of circuit courts, salaries of, when and out of what funds to be paid.

SEC. 2. That the salaries of the judges of the circuit courts in this State shall be twenty-five hundred dollars annually, to be paid quarterly out of any moneys appropriated for such purpose.

Judges of criminal circuit courts, salaries of, when and out of what funds payable.

SEC. 3. There shall be allowed to each of the judges of the criminal circuit courts, annually, two thousand dollars, to be paid quarterly out of the treasury of the county in which said court is established; *Provided*, that in all counties having a city with a population of forty thousand, the salary of said criminal circuit court judges shall be twenty-five hundred dollars, to be paid quarterly out of said county treasury as aforesaid.

SEC. 4. That the judges of the superior courts shall be allowed the sum of three thousand dollars per annum, payable in the same proportion and in the same manner as is now provided by law.

Judges of superior courts, salaries of, when and out of what funds to be paid.

SEC. 5. All acts and parts of acts now in force, allowing any other or different compensation to such judges, be and the same are hereby repealed.

Laws repealed.

SEC. 6. It is hereby declared that an emergency exists for the immediate taking effect of this act, it is, therefore, hereby declared that the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER LXXXI

AN ACT to further prescribe the duties of the Secretary of State, and to provide for the necessary arrangements, clerks and expenses of his office.

[APPROVED MARCH 10, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Secretary of State shall be the custodian of the public records of the State of Indiana, and shall keep his office and all books and papers thereto pertaining in such apartments of the State buildings as may be assigned. He shall be, *ex officio*, secretary of all committees, commissions or boards authorized by law, when he and other public officers are so associated, and shall keep accurate account of their proceedings and orders, and shall preserve such records in his office. He shall organize the business of his office into four bureaus, to be called, First, The Bureau of Public Affairs; Second, The Bureau of Public Printing and Stationery; Third, The Bureau of Corporations, and Fourth, The Bureau of Statistics; and he shall arrange, record, file, register, index, and keep all books, blanks, reports, orders, receipts, accounts, papers, documents and business pertaining to his office or deposited therein, [in such bureaus] and in such form and manner as will make the same most convenient of access.

Sec'y of State shall be custodian of public records of Indiana, &c.

He shall *ex officio* be sec'y of commissions, &c., and keep record of proceedings.

He shall organize business of his office into four bureaus.

He shall arrange, record, index, &c., books, orders, &c., of his office.

SEC. 2. That it shall be the duty of the Secretary of State, as soon as practicable after the passage of this act, carefully to examine the books, papers, documents and

Sec'y of State shall carefully examine books, papers, &c., of his office, and

collate, arrange, register, &c., same.

He shall procure and restore missing laws, journals, &c.

He shall prepare indices and registers to enrolled acts, records of patents, &c.

Not more than \$500 to be expended for procuring missing laws &c

Sec'y of State shall arrange book cases, presses, &c., of his office so that the same may be readily moved in case of fire, &c.

He shall, with concurrence with other officers of State, remove from basement of State building furnaces, sell same, &c. He shall fit up rooms of basement of State building.

Cost of such changes not to exceed \$1,000, which is hereby appropriated.

Sec'y of State may employ deputy and clerks, at what salaries.

business of his office, and to collate, arrange, record, file, register and index the same in the manner required in the preceding section; to procure and restore, if any such are found to be missing, complete sets of all laws, resolutions and journals of the Territorial and State Legislatures of Indiana; of the journals and ordinances of the constitutional conventions; of the proceedings of the boards of internal improvements; of records or registers of all patents, deeds or other conveyances of land, and of the field notes, surveys and plats of all public lands granted to or by the State. He shall prepare proper indices and registers to the filed and bound manuscripts of the enrolled acts of the said legislatures; to the files and records of all patents, deeds and land conveyances where it has not been done, and to all articles of associations and certificates of incorporation filed or recorded in his office; *Provided*, that not more than five hundred dollars shall be expended for the purchase or procurement of any such missing laws, papers or other files, which amount is hereby appropriated for that purpose.

SEC. 3. That it shall be the duty of the Secretary of State, as soon as practicable, to reconstruct and arrange the book cases, presses, desks and other furniture of his office in which are kept books, registers, files and papers, in such manner, that those containing records and files of special value can be readily removed with their contents in case of fire or other necessity; also, with the concurrence of the other officers of the State occupying the State buildings in common with him, to remove from the basement of said buildings all condemned and useless furnaces, to sell the same on the best terms, and pay the amount thereof to the Treasurer of State; and to fit up such rooms of said basement as he may need, not otherwise occupied, with common flooring, shelves and doors as will make them safe and proper depositories for any paper, books or other material of his office which may be placed therein; *Provided*, that all such changes and alterations as are herein mentioned shall not exceed in cost the sum of one thousand dollars, which is hereby appropriated for that purpose.

SEC. 4. That the Secretary of State shall be allowed to employ one deputy at an annual salary of fifteen hundred dollars, and one clerk at an annual salary of one thousand dollars, to assist him in the regular duties of his office, and one additional clerk, for the special purposes of this act, at a salary of twelve hundred dollars, for a period not exceeding two years; such salaries to be paid quarterly on warrant of the auditor issued on the written account of the secretary, as in other cases.

SEC. 5. That all laws and parts of all laws inconsistent with this act are hereby repealed. Laws repealed.

SEC. 6. That, whereas, it is necessary to make immediate provision for the duties of the Secretary of State herein provided for; therefore, an emergency exists, and this act shall be in force from and after its passage. Emergency.

CHAPTER LXXXII.

AN ACT to legalize the sale of seminary lands in Jasper county, to Marion L. Spitler, and Margaret Stackhouse, and directing how the proceeds of said sale shall be applied.

[APPROVED MARCH 3, 1873.]

WHEREAS, On the fifth day of December, 1866, the board of Commissioners of Jasper county, sold and conveyed by "warranty deed" to Marion L. Spitler and Margaret Stackhouse, certain "seminary lands" in said county described as twenty (20) acres of the north end, of the east half, of the northeast quarter, of section twenty-five (25), in township twenty-nine (29) north, of range seven (7) west, for the sum of eight hundred dollars; therefore Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sale of said seminary land by said board of commissioners to said Marion L. Spitler and Margaret Stackhouse, is hereby confirmed and legalized. Sale of said lands by board of commissioners to said M. L. Spitler and Margaret Stackhouse confirmed and legalized.

SEC. 2. The proceeds arising from the sale of said land shall be disposed of according to the provisions of an Act approved June 12, 1852, relating to county seminaries. Proceeds of sale of said land, how disposed of.

SEC. 3. An emergency is hereby declared to exist, for the immediate taking effect of this act; the same shall therefore be in force from and after its passage. Emergency.

CHAPTER LXXXIII.

AN ACT concerning the employment of short hand reporters, regulating their duties, and providing that the original long hand manuscript report of evidence may be used on appeal in certain cases.

[APPROVED MARCH 7, 1873.]

Court, on motion of party employing short hand reporter, shall administer oath to such reporter

Manuscript of verbatim report may be filed with clerk.

In case of appeal if requested clerk shall certify such manuscript.

Manuscript may be used in court of appeal. Clerk not entitled to fees for such transcript of evidence.

Laws repealed.

Emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever on the trial of any cause in any of the courts of this State, the parties thereto, or either of them, shall employ a short hand reporter to make a verbatim report of the evidence in said cause, the court shall, upon such party's motion, administer to the said reporter an oath that he will make a fair and impartial report of all the evidence in said cause; and whenever in any cause such verbatim report shall have been made by a reporter so qualified, the original long hand manuscript of the evidence by him made may be filed with the clerk of the court by the party entitled to the use of the same; and in case of an appeal to the supreme court or superior court in general term, it shall be the duty of the clerk of the court, if requested so to do by said party, to certify the said original manuscript of evidence, when the same shall have been incorporated in a bill of exceptions, to the supreme court or other court of appeal instead of a transcript thereof; and the said original manuscript of evidence may be used in the supreme court or other court of appeal in the same manner and for all purposes in and for which a certified transcript thereof might heretofore be used, and in such cases the clerk of the court shall not be entitled to any fees for that part of the transcript of record containing the evidence.

SEC. 2. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 3. An emergency is hereby declared to exist for the immediate taking effect of this act, wherefore it shall be in effect from and after its passage.

CHAPTER LXXXIV.

AN ACT legalizing the assessment and collection of the municipal taxes for the years of 1871 and 1872, of the town of Somerset in Wabash county.

[APPROVED MARCH 7, 1873.]

WHEREAS, The board of trustees of the town of Somerset, in Wabash county, of this State, failed to give the notice as required by section 32, of the act approved March 4th, 1859, supplemental to the act approved June 11th, 1852, for the incorporation of towns, defining their powers, &c., and failed to set as required by said section 32 of said act, as a board of equalization of the taxes assessed for said corporation, for the years of 1871 and 1872;

Preamble.

AND WHEREAS, It is believed no injustice or injury has resulted to any one by reason of said omissions, for that the taxes for the uses and purposes of said corporation for said years of 1871 and 1872, were levied and assessed upon the taxable property of said town, liable to taxation for municipal purposes, upon and in accordance with the valuation of said property for said years, for State and county purposes, and equalized by the county board of equalization.

AND WHEREAS, Doubts having arisen as to the legality of said taxes, occasioning much difficulty and delay in the collection of the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the assessment of taxes for the uses and purposes of said town of Somerset, for said years of 1871 and 1872, be and the same is hereby legalized, and said taxes are hereby declared legal, and as to the amount yet unpaid, collectable.

Assessment of taxes for town of Somerset for 1871 and 1872 legalized.

SEC. 2. An emergency existing for the immediate taking effect of this act, it is, therefore, declared to be in force from and after its passage.

Emergency.

CHAPTER LXXXV.

AN ACT to provide for the enlargement of the State House grounds.

[APPROVED FEBRUARY 18, 1873.]

Preamble.

WHEREAS, The State now owns all the ground situated between Tennessee and Mississippi streets, and between Market street and the first alley north of Market street, but said ground is separated from the present State House grounds by Market street; and

WHEREAS, It is expedient that so much of said Market street, and so much of said alley north of Market street as is situated between Tennessee and Mississippi, should be vacated, and that the State should own all of the real estate north of said alley, and south of Ohio street, and situated between Tennessee and Mississippi streets aforesaid, to the end that all the grounds bounded on the south by Washington street, on the west by Mississippi street, on the north by Ohio street, and on the east by Tennessee street, may be used as a site for a new State House, therefore,

Governor, secretary, auditor of State and attorney general, or a majority of them, authorized to purchase certain real estate for enlargement of State house grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor, Secretary of State, Auditor of State and Attorney General, or a majority of them, be, and they are hereby authorized, empowered and directed to negotiate for, and purchase as soon as practicable, after the passage of this act, from the owners thereof, all the grounds or real estate mentioned in the preamble to this act, not already owned by the State. Said grounds to be purchased being bounded on the north by Ohio street, in the city of Indianapolis, on the east by Tennessee street of said city, on the south by the alley mentioned in the preamble to this act, and on the west by Mississippi street of said city; *Provided*, Said officers shall be able to make such purchase or purchases from such owner or owners at such prices as may in their judgment be reasonable and just.

Provided purchase can be made on reasonable terms.

Report of purchase shall be made to General Assembly.

In case officers shall be unable to purchase grounds aforesaid, attorney general shall file petition in sup. ct. of Marion co.

SEC. 2. Any purchase made under the first section of this act shall be reported to this General Assembly, either at the present special session, or at the next regular session thereof, and shall be subject to its approval or rejection.

SEC. 3. If the officers named in the first section of this act shall be unable to negotiate and conclude a contract of purchase with the owners of said real estate, or with any one or more of said owners for said real estate, or for any part thereof, then and in that case it shall be the duty of

the Attorney General, in the name and on behalf of the State, to file a petition in the superior court of Marion county, Indiana, setting forth a description of said real estate or such part or parts thereof as to which said officers were unable to make a contract or contracts of purchase, and the name or names of the owner or owners thereof, and the purpose for which the State desires to acquire the same, and praying that three commissioners may be appointed to assess and appraise the parcel or parcels of real estate mentioned and described in such petition, to the end that the State, by paying the owner or owners of such real estate the value thereof, may acquire title thereto for the purpose of enlarging the State House grounds and furnishing a suitable site for a new State House.

What shall be set forth in attorney general's petition.

SEC. 4. Upon the filing of said petition said court shall appoint three disinterested resident freeholders of Marion county, commissioners to assess and appraise separately the several parcels of real estate which may be described in said petition, and said commissioners shall appraise each parcel at its fair cash value, and said court shall, in the order appointing said commissioners, designate the time and place at which they shall meet to enter upon the performance of their duties, and a copy of the order appointing said commissioners shall be served on the owner or owners of each parcel of real estate mentioned in said petition, six days before the day appointed for meeting of said commissioners.

Court shall appoint three commissioners, who shall appraise each parcel of land.

Court shall designate time and place of meeting of commissioners.

Copy of order appointing commissioners shall be served on owners of real estate.

SEC. 5. Said commissioners before entering upon their duties shall take and subscribe an oath to faithfully, honestly and impartially perform their duties under the provisions of this act, and may hear testimony touching the value of the property to be appraised, and said commissioners, or either of them, may swear the witnesses produced by the State or by any owner or owners of real estate to be appraised, and said commissioners may adjourn from day to day until they have completed the investigation, such adjournments not, however, to extend beyond ten days from the time of their first meeting.

Commissioners shall take oath, may hear testimony, swear witnesses, adjourn from day to day not to exceed ten days from time of first meeting.

SEC. 6. Upon the completion of said investigation, and within ten days after the commencement thereof, the said commissioners, or a majority of them, shall make a report finding and reporting the fair cash value of each parcel of real estate which they were directed to appraise, which report shall be filed in said court and entered at length in the order book thereof, and if the owner of such real estate or the Attorney General shall be dissatisfied with the value thus assessed, either or both of them may, within ten days from the filing of such report, file exceptions to said report or to any particular appraisement therein contained; and

Commissioners shall make report showing what.

Report, where filed and recorded.

In case owner or att'y general are dissatisfied with value as assessed, may, within ten

days, the exceptions which shall operate as an appeal. Court shall empanel jury to assess value of real estate. Verdict of jury, unless set aside, shall be final.

thereupon such exceptions shall operate as an appeal from the appraisement so excepted to, and the court shall, with as little delay as practicable, empanel a jury to assess and determine the fair cash value of the parcel or parcels of real estate embraced in such exceptions, and the verdict of such jury, unless set aside by the court, shall be deemed and taken to be final and conclusive as to the value of the property embraced therein for the purposes of this act.

Attorney general shall report to General Assembly, and if proceedings are approved, State, by paying price or value, shall hold same in fee simple.

SEC. 7. The Attorney General shall, as soon as the proceedings contemplated by this act shall have been completed, report the same, either to the present special session or to the next regular session of this General Assembly, and if the same shall be approved by it at either of said sessions, then the State shall, by paying the contract price or the appraised value of any of the property contemplated by this act, be entitled to take and hold the same as its own property in fee simple, and if the owner should fail or refuse to convey the same to the State on the tender of the agreed price or appraised value thereof, then the State may, by the proper judicial proceedings, compel such conveyance.

State may compel conveyance of land.

Attorney general to commence and prosecute proceedings in common council of city of Indianapolis, to procure vacation of portion of Market street.

SEC. 8. If the State shall, with the approval of the General Assembly, acquire title to the property contemplated by this act, then and thereupon, it shall be the duty of the Attorney General to commence and prosecute proceedings for and on behalf of the State before the common council of the city of Indianapolis, to procure an order or orders of said council vacating that part of Market street and that part of said alley mentioned in the preamble hereto, which are situated between Tennessee and Mississippi streets aforesaid.

Emergency.

SEC. 9. An emergency is hereby declared to exist for the immediate taking effect of this act, wherefore the same shall take effect and be in force from and after its passage.

CHAPTER LXXXVI

AN ACT to amend an act entitled "An Act to create a State normal school, and declaring an emergency," approved December 20th, 1865, and adding supplemental sections thereto, and providing for certain appropriations.

[APPROVED MARCH 5, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 14 of said act be amended to read as follows, to-wit: The State board of education shall appoint annually in the month of June, or at their first meeting thereafter, a committee of three, who shall constitute a board of visitors, and shall in a body or by one of their number visit said school once during each term and witness the exercises and otherwise inspect the condition of the school, and by the close of the normal school year they shall make a report to the board of trustees. The members of said board of visitors shall be allowed five dollars for each day's service rendered, and also traveling expenses, to be paid out of the State treasury.

Sec. 14 as amended.

Board of visitors, appointment of, shall visit schools, &c.

Board of visitors shall make report. Per diem and traveling expenses of board of visitors, payment of, &c.

Board of trustees may grant certificates to teachers.

SEC. 2. The board of trustees are authorized to grant from time to time certificates of proficiency to such teachers as shall have completed any of the prescribed courses of study, and whose moral character and disciplinary relations to the school shall be satisfactory, and at the expiration of two years after graduation, satisfactory evidence of professional ability to instruct and manage a school having been received, they shall be entitled to a diploma appropriate to such professional degrees as the trustees shall confer upon them; which diplomas shall be considered sufficient evidence of qualification to teach in any of the schools of this State.

Diploma, when teachers to be entitled to and what the same shall be evidence of.

SEC. 3. There shall be appropriated out of the State treasury from funds not otherwise appropriated, three thousand two hundred and six dollars and eighty-three cents (\$3,206.83) to liquidate the indebtedness of the normal school; also an amount annually not exceeding two thousand dollars (\$2,000) in any one year for warming, lighting, janitor's fees, repairs and for actual expenses of said institution.

Appropriations to normal school and for what purposes.

SEC. 4. That section 15 of said act be amended to read as follows, to-wit: The Superintendent of Public Instruction shall in his next apportionment of school revenue for the State deduct seven thousand five hundred dollars (\$7,500), and semi-annually thereafter he shall deduct the

Sec. 15 as amended. Sup. of pub. inst., in apportionment of school revenue, shall deduct certain amounts.

for normal
school fund;
how same shall
be paid.

same amount, which shall be set apart and be known and held as the normal school fund. These moneys shall be paid out only on the warrant of the auditor drawn on the board of trustees.

Emergency.

SEC. 5. Whereas, an emergency exists for the immediate taking effect of this act, it shall take effect and be in force from and after its passage.

CHAPTER LXXXVII.

AN ACT to repeal an act entitled "An act fixing the time and mode of electing State printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act," passed March, 1859, and to abolish the office of State printer.

[APPROVED JANUARY 25, 1873.]

Act fixing time
and mode of
election of
State printer,
&c., repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "An act fixing the time and mode of electing State printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act," passed March, 1859, be and the same is hereby repealed.

Office of State
printer
abolished.

SEC. 2. That the office of State printer be and the same is hereby abolished.

Emergency.

SEC. 3. There being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage.

CHAPTER LXXXVIII.

AN ACT to amend the first section of an act approved January 14, 1846, entitled "An Act to incorporate the female seminary of St. Mary's of the Woods, in Vigo county, Indiana, by authorizing schools for youth, an orphan asylum, a hospital, and other works of charity by said corporation.

[APPROVED MARCH 8, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of an act, approved January 14, 1846, entitled "An Act to incorporate the female seminary of St. Mary's of the Woods, in Vigo county, Indiana, be so amended as to read as follows, to-wit:

Sec. 1 as amended.

SEC. 1. That Anne Theresa Guerrie (Sister St. Theodora), Victoria Gaze (Sister St. Vincent), Louise Ciercen (Sister St. Liquori), Irena Sefer De LaMotte (Sister St. F. Xavier), Josephine Puriellan (Sister Marie Joseph), Elanor Bailey (Sister Mary Cecelia), Mary Ann Graham (Sister Augustine), Sisters of Providence, of Vigo county, or the survivors of them, and their associates and successors, be, and they are hereby constituted and declared to be a body corporate and politic, by the name and style of The Sisters of Providence of St. Marys of the Woods, and by that name shall have perpetual succession with full power to elect, from time to time, such officers, instructors, managers, and agents, as they may think necessary for the management and benefit of the female seminary of St. Marys of the Woods, in the county of Vigo, and State of Indiana, now under their charge, by virtue of said act, to which this is an amendment; the said Sisters of Providence of St. Marys of the Woods, under the provisions of this section, and of the act to which this is an amendment, shall also have the power to provide for and maintain schools for the education of youth, an asylum for the care and support of orphans; a hospital in said county of Vigo, now under their charge and ownership, for the wants of the sick, to contract and be contracted with, to acquire, hold, enjoy, and transfer property, real and personal, to receive and hold title to such real estate as they may have, or shall acquire by gift, endowment, bequest, conveyance, or otherwise, for the purposes herein named, to have and use a common seal, and the same to alter at pleasure, to sue and be sued, to plead and be impleaded in any court of law or equity, to receive and accept any grant, gift, do-

Name and style of corporation.

Powers of said corporation.

nation, bequest or conveyance, made by any person, company, or corporation, of any property, real or personal, and to have and to hold, enjoy or dispose of the same as may by them be deemed best for the interest of said corporation, constituted for the purpose hereinbefore expressed, to make, ordain, establish and execute such by-laws, rules and ordinances, and to do all other acts as they shall deem necessary for the welfare and prosperity of said corporation, for the promotion of the arts and sciences of learning, and charity, not inconsistent with the constitution and laws of the United States, and the constitution and laws of the State of Indiana; *Provided*, That it shall not be lawful for said corporation to hold, or be the owners of real estate, exclusive of improvements, exceeding in value three hundred thousand dollars; and if by donation, devise or otherwise, it shall become the legal or equitable owner of real estate of greater value, the same shall be sold by said corporation within two years after such title shall have accrued or become vested therein, but this shall not be construed to require the sale of any real estate now owned by said corporation, which may be necessary for the enjoyment of the powers and privileges of the corporation.

Said corporation shall not be the owner of real estate exceeding \$300,000 in value, and if value should exceed that sum, sale shall be made within two years, &c.
Any real estate now owned by said corporation not to be sold if necessary. &c.

CHAPTER LXXXIX.

AN ACT to amend section six of an act entitled "An act to amend an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859; approved December 20, 1865.

[APPROVED MARCH 11, 1873.]

Sec. 6 recited.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section six, of an act entitled "An act to amend an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, approved December 20, 1865, be and the same is hereby amended to read as follows, to-wit:

Sec. 6 as amended.
Supervisors shall call out

SEC. 6. Such supervisors shall call out all able-bodied male persons except insane, idiots, deaf and dumb, and blind persons in such district who are residents of this

State over the age of twenty-one and under fifty years and not exempt from such labor, during not less than two nor more than four days in the months of March, April, May or June of each year, and shall require each of such persons to work on the highways in such district eight hours in each day, and to furnish in such labor any tool the supervisor may direct, if the demand therefor be a reasonable one.

what persons to work on roads.

No. of days persons to work on roads and in what months
No. hours in each day person to labor.
Tools.

CHAPTER XC.

AN ACT to amend section (30) of an act entitled "An Act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved December 20th, 1865, and declaring an emergency.

[APPROVED MARCH 8, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section thirty of an act entitled "An Act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," be and the same is hereby amended to read as follows, to-wit:

Sec. 30 recited.

SEC. 2. Each supervisor of each road district, shall, on the last Saturday in September, in each year, make a full and succinct report, under oath, of his proceedings, showing the names of all persons liable to or who have performed labor on the roads in his district, the amount of commutation money received, who received from, and the amount of money received from any and all other sources whatever, and how the same has been expended, and shall pay such balance to, and file such report with the trustee of his township on that day.

Sec. 30 as amended.
Supervisor shall make report, when, and what the same shall show.

Report, where to be filed.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

Emergency.

CHAPTER XCI.

AN ACT relative to the salary of Superintendent of Public Instruction, and providing the manner of paying the same.

[APPROVED MARCH 4, 1873.]

Salary of sup.
of pub.
instruction.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be allowed to the Superintendent of Public Instruction a salary of two thousand dollars, to be paid quarterly out of any moneys in the treasury belonging to the general fund, and not specially otherwise appropriated by law.

Law repealed.

SEC. 2. The law heretofore providing his salary shall be thirteen hundred dollars is hereby repealed.

When act to
take effect.

SEC. 3. This act shall take effect from and after the 15th day of March, 1873.

CHAPTER XCII.

AN ACT to authorize sureties upon notes, bills, bonds or other instruments in writing, who have been compelled to pay the same for their principals, to collect off the principals interest on the amount paid by such sureties at the rate provided for in such original notes, bills, bonds, or other instruments in writing held against such principals, and regulating the rate of interest on judgments rendered thereon.

[APPROVED MARCH 4, 1873.]

Sureties on
notes, bonds,
&c., to recover
same rate of
interest of prin-
cipal as provid-
ed for originally
in such notes,
bonds, &c., not
to exceed ten
per cent.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in any case where a surety on any bill, note, bond, or other instrument in writing, shall be compelled to pay the debt or obligation of the principal debtor, such surety shall recover such rate of interest on the amount so paid by him for his principal, as was originally provided for in such bill, note, bond, or other instrument in writing, held against such principal debtor, and the judgment therein shall bear the same rate of interest not exceeding ten per centum per annum.

SEC. 2. It is hereby declared that an emergency exists Emergency. for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

CHAPTER XCIII.

AN ACT supplementary and amendatory of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21st, 1872.

[APPROVED MARCH 8, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That each person or tax-payer charged with taxes on a tax duplicate in the hands of a county treasurer, may pay the full amount of such taxes on or before the third Monday in April, or may, at his option, pay one-half thereof on or before the said third Monday in April, and the remaining half on or before the fifteenth day of November following: *Provided, however*, That all road taxes so charged shall be paid prior to the fifteenth day of November in the manner prescribed by law: *And provided further*, That in all cases where as much as one-half of the amount of tax charged against a tax-payer shall not be paid on or before the third Monday in April, the whole amount charged shall become due and be returned delinquent, and collected as provided by law: *And provided further*, That the provisions of sections one, two, and three of this act shall not apply to the tax for the year 1872.

When county taxes may be paid.

Road taxes, when to be paid

When taxes shall be returned delinquent.

Provisions of sec. 1, 2 and 3 not to apply for 1872.

SEC. 2. When taxes charged against the property of any person shall be paid by installments as aforesaid, each of such payments, exclusive of road tax, shall be apportioned among the several funds for which such taxes shall have been assessed in their proper proportion.

When tax to be apportioned, &c.

SEC. 3. It shall be the duty of the county auditor to set down the amount of taxes charged against each tax-payer, in two separate columns, one-half thereof, exclusive of road taxes, in each column, and adding all road taxes to said first half, with a sufficient blank space at the right of each column to write the word "paid," and when payment of either half of such taxes shall be made, the treasurer

Co. Aud. shall set taxes in two separate columns.

Co. treas. duties

Aud. of State
to prescribe
form of dupli-
cate, &c. Audi-
tors to conform
thereto.

Co. treas.,
when to settle
with co. aud.
and call on de-
linquent tax-
payers, &c.

Settlement of
delinquent tax,
how made.

Proviso.

When Co. Treas.
may remove
property to
other tp.

Co. aud's to
have delinquent
list published
in newspaper;
cost of, &c.

shall write in the blank space opposite the same the word "paid," and shall execute a receipt therefor in the usual form now used, except that it shall state which installment the payment is intended to apply to, and if for the last installment, it shall state upon its face in "full." And the auditor of State is hereby authorized to prescribe such other forms for county duplicates as may seem proper to him, and produce uniformity throughout the State, and it shall be the duty of county auditors to conform thereto.

SEC. 4. That section one hundred and fifty-nine of said act be amended to read as follows: The several county treasurers be and are hereby required immediately after their April settlement with the county auditor, either in person or by deputy, to call upon every delinquent tax payer in their respective counties, and if necessary to distraint property for the collection of such delinquent tax, together with ten per centum damage, and the costs and charges that may accrue. The said treasurer shall, on the fifteenth day of November, make settlement with the county auditor for the amount of such delinquent tax for which said treasurer is to stand charged; said settlement in all respects to be made and certified in such manner as the auditor of State shall direct, and it shall be the duty of the county auditor to forward a certified copy of such settlement forthwith to the auditor of State: *Provided*, That the county auditor shall not be authorized to credit the treasurer with any uncollected, delinquency, unless such treasurer shall show by proper returns, verified by his oath or affirmation, that he has, in each case for which he claims credit, diligently sought for and has been unable to find any property from which to collect such tax, or that property was levied upon, offered for sale and failed to sell; or having made a levy he was enjoined or otherwise prevented from making sale or collection by a court of competent jurisdiction: *And provided further*, That in all cases where property shall fail to sell for want of bidders, the county treasurer shall have power to remove said property to some other township in the county, and re-offer the same, as in the first instance.

SEC. 5. That section 195 of said act, approved December 21, 1872, be and the same is hereby amended to read as follows, to-wit: The county auditors shall cause a copy of the delinquent list of their respective counties to be made up, and immediately thereafter published for four weeks successively, once in each week, in some newspaper having general circulation in his county, if any be printed therein, at a cost of not exceeding fifty cents per tract or lot of land, including valuation and taxes, and in case the publisher of such newspaper should refuse

to publish the same on the terms herein provided, it shall be the duty of the Auditor to have such list printed in hand-bill form, on the best terms that can be had, three copies of which shall be posted up in public places in each township of his county, at least four weeks before the day of sale, to which shall be attached, and in like manner published, a notice that so much of said lands as may be necessary to discharge the taxes, interest and charges which may be due thereon, or due from the owner thereof at the time of sale, will be sold at public auction, at the court house door in such county, on the second Monday in February next thereafter.

When in hand-bill form.

Sale at public auction, when and where

SEC. 6. Any corporation, whether foreign or domestic, firm or individual engaged in the business of transporting or carrying passengers or freight on any railroad in the State of Indiana, upon any contract or agreement with such railroad company, shall, in the months of January and July of each year, report to the Auditor of State, in the case of a corporation, under oath of the President or Secretary, or other principal officers, the gross amount of all receipts received in the State of Indiana, on account of the transportation of passengers or freight for the six months last preceeding, ending on the last days of December and June, and shall at the time of such report, pay into the treasury of the State, the sum of three dollars on every one hundred dollars of such receipts received for passage fare, and the sum of one dollar on every one hundred dollars of such receipts received for transporting freight; in case such business is carried on by persons or individuals, such report and payment shall be made by the individuals, or some one of them engaged in such business: *And provided*, That where amounts shall be received by such corporation, company, firm or individual, whether received within or without the State, and being for passage fare or other transportation, and a part of such receipts shall be on account of fare or transportation over roads within this State, in such case said President and Secretary or other officer or individuals shall be required to report such proportion, of the amount of such receipts, as the distance traversed in the State bears to the whole distance paid for: *Provided*, That the provisions of this section shall not apply to any company owning and operating a railroad within this State.

Foreign corporations et al, when and what they shall report to Aud. of State.

When and what amount they shall pay into State Treasury.

Provided.

SEC. 7. Any company, corporation, firm or individuals engaged in such business, failing or refusing for more than thirty days to render an accurate account of the receipts as herein provided, and to pay the required tax thereon, shall forfeit one hundred dollars for each additional day such report and payment shall be delayed, to be recovered in the name of the State of Indiana, and on the relation

Penalty for failure to account or pay tax to be recovered on relation of Aud. of State.

of the Auditor of State, in any court of competent jurisdiction.

Foreign insurance companies, when and what reports they shall make to Aud. of State and what amt. they shall pay.

SEC. 8. Every insurance company not organized under the laws of this State, and doing business therein, shall, in the months of January and July of each year, report to the Auditor of State, under oath of the president and secretary, the gross amount of all receipts received in the State of Indiana, on account of insurance premiums for the six months last preceding, ending on the last days of December and June of each year, and shall, at the time of making such report, pay into the treasury of the State, the sum of three dollars on every one hundred dollars of such receipts, less losses actually paid within the State.

Penalty for Insurance Co. failing to account for or pay tax to be recovered in action on relation of aud. of State.

SEC. 9. Any such insurance company failing or refusing for more than thirty days to render an accurate account of its premium receipts, as in the preceding sections provided, and pay the required tax thereon, shall forfeit one hundred dollars for each additional day such report and payment shall be delayed, to be recovered in the name of the State of Indiana, on the relation of the Auditor of State, in any court of competent jurisdiction; and it shall be the duty of the Auditor of State, to revoke all authority of any such defaulting company to do business within this State.

Aud. of State to revoke authority.

Acts repealed.

SEC. 10. That all acts or parts of acts conflicting with the provisions or this act, be, and the same are hereby repealed.

Emergency.

SEC. 11. Whereas, an emergency exists for the immediate taking effect of this act, it is declared to be in full force from and after its passage.

CHAPTER XCIV.

AN ACT to raise revenue for State purposes for the years 1873 and 1874.

[APPROVED MARCH 8, 1873.]

Tax of 15 cts. on \$100 and 50 cts on each poll to be levied and collected for 1873 and 1874 each.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a tax for State purposes of fifteen cents on each one hundred dollars in value, of all property entered for taxation in the general list of taxables, and fifty cents on each poll subject by law to taxation, be, and the same is hereby, authorized and directed to be levied

and collected for the present year, one thousand eight hundred and seventy-three; and for the succeeding year one thousand eight hundred and seventy-four, that a tax for State purposes of fifteen cents on each one hundred dollars in value of all property entered for taxation in the general list of taxables, and fifty cents on each poll subject by law to taxation, be, and the same is hereby, authorized and directed to be levied and collected.

SEC. 2. An emergency is hereby declared to exist for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage. Emergency.

CHAPTER XCV.

AN ACT to authorize township trustees to levy an additional tax to the amount now authorized by law, not exceeding twenty-five cents on each one hundred dollars worth of taxable property, in any one year, for the purpose of paying, satisfying, and liquidating debts made and contracted by such trustee, in the construction, repairing, or completing of school houses, and providing furniture and school apparatus therefor, and declaring an emergency.

[APPROVED MARCH 11, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where any township trustee may have heretofore made and contracted debts against any township in the construction, repairing, or completion of school houses, or in providing furniture, or school apparatus therefor, and the special school revenue tax as provided for in section twelve (12) of an act entitled "An Act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, shall be insufficient to satisfy, pay and liquidate debts so made and contracted by such trustee, then and in that case, it shall be lawful, and such township trustee is hereby authorized to levy an additional tax, of not exceeding twenty-five

When township trustee may levy special tax, and in what am't, to pay for the repairing or completion of school houses, and purchase of school apparatus and furniture.

Proviso.

Such levy of tax shall not be made until legal voters of township shall have declared in favor thereof, Emergency.

cents on each one hundred dollars worth of taxable property, in any one year, to the amount now authorized to be levied under said section twelve (12) of said act, for the purpose of paying, satisfying, and liquidating the debts made and contracted by said trustee, for the purposes aforesaid, and it shall be lawful, and said trustee is hereby authorized to make said levy for each and every year after the passage of this act, until said debts made and contracted as aforesaid, for the purpose aforesaid, shall be fully paid, satisfied and liquidated; *Provided*, That nothing in this act shall be construed to alter, change, modify repeal, or in any way conflict with section twelve (12) of the act above recited; *and provided further*, That such additional levy shall only be made after the legal voters of the township to be affected thereby shall have declared in favor thereof.

SEC. 2. Whereas, an emergency exists for the immediate taking [effect] of this act, therefore, the same shall be in force from and after its passage.

CHAPTER XCVI.

AN ACT to provide for the reimbursement to certain counties therein named, of certain taxes illegally assessed and collected, for the year 1869, and paid into the State treasury, and declaring an emergency.

[APPROVED MARCH 8, 1873.]

Preamble.

WHEREAS, By the action and proceedings of the State board of equalization of 1869, together with the proceedings of certain district boards of equalization of said year, the appraisements of the real property of certain counties of the State hereinafter enumerated, were increased and raised over and above the proper assessment made in such counties by proper appraisers thereof;

AND WHEREAS, On account of such proceedings of the said board of equalization, said counties were assessed, taxed, and required to pay, and did pay into the State treasury, the respective sums of money hereinafter enumerated, in excess of the amounts they would have been required to pay under the proper and legal appraisalment;

AND WHEREAS, It has been decided and adjudged by the supreme court of the State of Indiana, that the proceedings of said boards of equalization were illegal and void, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of refunding to the respective counties, the sums of money thus illegally and wrongfully collected therefrom, on account of said illegal and wrongful proceedings of the said boards of equalization, the following sums of money are hereby appropriated: Money illegally collected of counties under proceedings of boards of equalization to be refunded. Money appropriated for such purpose. Jefferson county.

To the county of Jefferson, the sum of three thousand, two hundred and thirty-five dollars and sixteen cents, (\$3,235.16).

To the county of Bartholomew, the sum of three thousand, two hundred and twenty-seven dollars and fifty cents, (\$3,227.50). Bartholomew county.

To the county of Blackford, the sum of seventy-six dollars, and sixty-two cents, (\$76.62). Blackford county.

To the county of Carroll, the sum of three thousand, five hundred and forty-four dollars and twenty cents, (\$3,544.20). Carroll county.

To the county of Clarke, the sum of two thousand, one hundred and forty-six dollars and fifty-one cents, (\$2,146.51). Clarke county.

To the county of Clinton, the sum of three thousand, eight hundred and eighty-two dollars and twenty cents, (\$3,882.20). Clinton county.

To the county of Crawford, the sum of five hundred and fifty-nine dollars and ten cents, (\$559.10). Crawford county.

To the county of Daviess, the sum of nine hundred and fifty-seven dollars and thirty-five cents, (\$957.35). Daviess county.

To the county of Dearborn, the sum of one thousand four hundred and ninety-five dollars and ninety-three cents, (\$1,495.93). Dearborn county.

To the county of Dubois, the sum of one thousand, seven hundred and forty-seven dollars and twenty-two cents, (\$1,747.22). Dubois county.

To the county of Floyd, the sum of three hundred and ninety-nine dollars and seventy-nine cents, (\$399.79). Floyd county.

To the county of Franklin, the sum of one thousand, six hundred and sixty-six dollars and fifty-one cents, (\$1,666.51). Franklin county.

To the county of Grant, the sum of one thousand, six hundred and thirty-one dollars and eighty-five cents, (\$1,631.85). Grant county.

To the county of Hamilton, the sum of one thousand, and ninety dollars, (\$1,090.00). Hamilton county.

To the county of Hancock, the sum of one thousand Hancock county.

and nine hundred and thirty-one dollars and eighteen cents, (\$1,931.18).

Harrison county.

To the county of Harrison, the sum of one thousand, eight hundred and forty-three dollars and sixteen cents, (\$1,843.16).

Howard county.

To the county of Howard, the sum of two thousand and eight dollars and forty-six cents, (\$2,008.46).

Hendricks county.

To the county of Hendricks, the sum of one thousand, nine hundred and seventy-one dollars and sixty-four cents, (\$1,971.64).

Henry county.

To the county of Henry, the sum of nine hundred and twenty-one dollars and fifty-four cents, (\$921.54).

Huntington county.

To the county of Huntington, the sum of one thousand, one hundred and five dollars and fifty-two cents, (\$1,105.52).

Jackson county.

To the county of Jackson, the sum of five thousand, five hundred and twenty-six dollars and sixty-six cents, (\$5,526.66).

Jay county.

To the county of Jay, the sum of two hundred and eighty dollars and sixty-five cents, (\$280.65).

Jennings county.

To the county of Jennings, the sum of two thousand, two hundred and fifteen dollars and thirty-seven cents, (\$2,215.37).

Madison county.

To the county of Madison, the sum of five thousand, four hundred and sixty-four dollars and seventy-three cents, (\$5,464.73).

Martin county.

To the county of Martin, the sum of five hundred and sixty-six dollars and ninety-eight cents, (\$566.98).

Montgomery county.

To the county of Montgomery, the sum of four thousand, seven hundred and ninety-six dollars and nineteen cents, (\$4,796.19).

Morgan county.

To the county of Morgan, the sum of one thousand, four hundred and nineteen dollars and five cents, (\$1,419.05).

Ohio county.

To the county of Ohio, the sum of five hundred and seventy-nine dollars and nineteen cents, (\$579.19).

Orange county.

To the county of Orange, the sum of two thousand, three hundred and ninety-four dollars and fifty-two cents, (\$2,394.52).

Owen county.

To the county of Owen, the sum of one thousand, five hundred and twenty-eight dollars and sixty-eight cents, (\$1,528.68).

Perry county.

To the county of Perry, the sum of six hundred and sixty-three dollars and fifty-seven cents, (\$663.57).

Putnam county.

To the county of Putnam, the sum of four thousand, nine hundred and four dollars and fifty-nine cents, (\$4,904.59).

Randolph county.

To the county of Randolph, the sum of one thousand,

two hundred and forty-three dollars, and seven cents, (\$1,243.07).

To the county of Rush, the sum of six thousand and fifty-seven dollars, and thirty-four cents, (\$6,057.34). Rush county.

To the county of Scott, the sum of one hundred and fifty-five dollars and seventy-six cents, (\$155.76). Scott county.

To the county of Shelby, the sum of five thousand, two hundred and seventeen dollars and sixty-eight cents, (\$5,217.68). Shelby county.

To the county of Spencer, the sum of one thousand, one hundred and forty-five dollars and eighty-three cents, (\$1,145.83). Spencer county.

To the county of Switzerland, the sum of seven hundred and sixty dollars and forty-seven cents, (\$760.47). Switzerland county.

To the county of Vermillion, the sum of one thousand, one hundred and twenty-seven dollars and ninety-six cents, (\$1,127.96). Vermillion county.

To the county of Wabash, the sum of two thousand, seven hundred and forty-five dollars and thirty-one cents, (\$2,745.31). Wabash county.

To the county of Warren, the sum of one thousand, two hundred and sixty-one dollars and eighty-nine cents, (\$1,261.89). Warren county.

To the county of Washington, the sum of three thousand, one hundred and seventy-eight dollars and thirty-two cents, (\$3,178.32). Washington county.

To the county of Wells, the sum of five hundred and ninety-six dollars and twenty-two cents, (\$596.22). Wells county.

SEC. 2. It shall be the duty of the Auditor of State to draw his warrant on the Treasurer of State, in favor of the county treasurers of said counties, respectively, for the above enumerated sums. It shall be the duty of the Auditor of State, at his next annual settlement with said county treasurers for State revenue of said counties, to allow said county treasurers said sums as a credit in such settlement, and deliver said warrant to said county treasurers, and said county treasurers, shall charge themselves upon the proper books of their respective counties with such amounts, and shall account to their respective counties for said sums of money, so credited to them by the treasurer of State.

Aud. of State shall draw warrants for said sums.

Aud. of State in next annual settlement with county treasurers of said counties, to allow said sums as a credit &c. County treasurers shall charge themselves with said sums.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, it is declared to be in force from and after its passage. Emergency.

CHAPTER XCVII.

AN ACT to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks and banking associations doing business in the State.

[APPROVED MARCH 4, 1873.]

Shares of capital stock in bank shall be taxed for municipal purposes in incorporated town or city in which such bank may have its banking house, &c.

Rate of tax on shares of capital stock of such bank.

County auditor shall, on demand, furnish to mayor or other officer of town or city, in his county, copy of statement of president or cashier of bank in such town or city, made in accordance with provisions of act, &c.

In case no statement has been made by bank and delivered to auditor, auditor shall make

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the shares of capital stock owned or held by any person or body corporate, in any bank or banking association, chartered or organized under the laws of this State, or chartered or organized under the laws of the United States (including the Bank of the State of Indiana, and its several branches, and national banks or banking associations), shall be taxed for municipal purposes by the corporate authorities of the incorporated towns and cities of this State, in which any such bank or banking association may have its banking house or place of business, and such shares of stock shall be taxed by the corporate authorities of the town or city in which such bank or banking association may be located, at the same rate as is or may be lawfully assessed by the corporate authorities of such town or city on other taxable property.

SEC. 2. It shall be the duty of the auditor of every county in this State in which there is an incorporated town or city having within its corporate limits any bank or banking association, contemplated by the first section of this act, on or before the first day of May, in each and every year, furnish to the mayor or other principal officer of such town or city, on the demand of such mayor or other principal officer, a certified copy (under his hand and seal of his office) of the sworn statement in writing, which may have been delivered to him by the president or cashier of any such bank or banking association, in pursuance of the provisions of the sixty-fourth section of an act entitled "An Act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872, which copy, so to be furnished by such auditor, shall be a copy of the sworn statement made and delivered for the current year, to such auditor, by such president or cashier, under the provisions of the said sixty-fourth section.

SEC. 3. If no such sworn statement as is contemplated by the foregoing section shall have been made and delivered to such auditor, then it shall be his duty to make and certify under his hand and seal of his office a full and true statement of all the information which he may have

obtained (in relation to such bank or banking association, its stockholders, and the number and value of shares of stock held or owned by them respectively) by or under the proceedings prescribed by section sixty-five of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872.

statement giving information &c.

SEC. 4. On receiving the certified copy of the sworn statement mentioned in the second section of this act, or the certified statement mentioned in the third section of this act, such mayor or other principal officer of such town or city shall file the same in the office of the clerk of such town or city, and the assessor or assessors, or other proper officer of such town or city, shall, from the information thus obtained, proceed to enter in the assessment roll and tax duplicate of such town or city for the current year, the names of the stockholders of such bank or banking association, and the number of shares and value of the stock held or owned by each stockholder respectively, and shall assess thereon, to the owner or holder thereof, the proper amount of corporation or municipal taxes according to the rate that may at the time be chargeable on other personal property subject to taxation by such town or city, and if any such stockholder shall be assessed on said duplicates for either real or personal property, other than such stock, the amount and value of his said stock shall be added to his assessment as personal property.

Such statement being received same shall be filed in office of clerk of town or city.

Assessor or other proper officer of such town or city shall enter on assessment roll or tax duplicate names of stockholders of such bank, number of shares of stock therein, and assess tax on same, &c.

SEC. 5. The taxes assessed under this act shall be paid by the owners or holders of such stock respectively, in the same manner as upon other personal property; and all laws and ordinances in force in such town or city in relation to the collection of taxes, and all penalties provided for the non-payment of the same shall apply to the taxes assessed under the provisions of this act, but nothing herein contained shall be construed to prevent the president, cashier, or other proper officer of any such bank or banking association from paying such taxes, and charging the amount so paid against the owner or holder of such stock, but such taxes may be so paid and charged, and the amount thereof may be deducted from any dividend on such stock which have or may be declared thereon, and on notice given by the proper collecting officer of such town or city that any such taxes have not been paid when due, the same shall be paid by the president, cashier, or other proper officer of such bank or banking association, out of any dividends due or become due on such stock.

Taxes assessed, how collected.

Taxes assessed may be paid by president et al, and amount thereof deducted from dividend on stock.

SEC. 6. Taxes assessed upon any share or shares of bank stock under the provisions of this act shall be and remain a lien against such stock until the payment of

Taxes assessed upon shares of bank stock shall remain a lien upon such

stock until payment.

In making such assessment on bank stock, when and what amount of same shall be exempt from such taxation on account of same being invested in real estate.

such tax, which lien shall attach on the first day of May of each year for which the assessment is made, and every transfer of such stock shall be subject to such lien.

SEC. 7. In making the assessment and ascertaining the value of any shares of bank stock under the provisions of this act, there shall be deducted from the gross cash value of such shares the proper proportionate part of the value of any real estate held or owned by any such bank or banking association in this State, and taxed under the laws thereof, in which any part of the capital stock of such bank or banking association may be invested, and in making such deduction the valuation of such real estate for taxation shall be the criterion.

Emergency.

SEC. 8. It is hereby declared that an emergency exists for the immediate taking effect of this act, wherefore the same shall take effect and be in force from and after its passage.

CHAPTER XCVIII.

AN ACT to legalize taxes heretofore levied for purposes of tuition, by the school trustees of any of the incorporated cities of this State, and to authorize the collection of the same, and declaring an emergency.

[APPROVED JANUARY 21, 1873.]

Taxes heretofore levied by school trustees of incorporated cities, for tuition purposes, not exceeding amt. allowed by law, legalized, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases, where, heretofore, any taxes for purposes of tuition, have been levied by the school trustees of any incorporated city of this State, not exceeding in amount what is permitted by law, such levy, so made, is hereby legalized and allowed, and required to have the same effect as if the same had been levied by the common councils of such respective cities, and shall be collected as provided by law in other cases.

Emergency.

SEC. 2. This General Assembly being informed that cases exist, where, without this law, such taxes cannot be collected, an emergency is declared, and this act shall take effect from and after its passage.

CHAPTER XCIX.

AN ACT to amend section eight of an act entitled "An Act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859

[APPROVED MARCH 4, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section eight of an act entitled "An Act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, be and the same is hereby amended to read as follows, to-wit : The trustee shall superintend all the pecuniary concerns of the township, and shall, at the June session of the county board, annually, with the advice and concurrence of the board of county commissioners, levy a tax on the property of such township, for township, road, and other purposes, and report the same to the county auditor, who shall enter the same on the proper tax duplicate in a separate column or columns, and the treasurer shall collect the same as other taxes are collected. But in case of failure of such trustee and commissioners to concur, then the board of county commissioners shall determine upon and levy such township, road, and other taxes.

Sec. 8 as amended.

Trustees shall at same session, with advice of board of county commissioners levy tax for township board and other purposes, and report to county auditor. Auditor shall enter same on tax duplicate. Treasurer shall collect same. When county commissioners shall determine upon a levy tax

SEC. 2. An emergency exists for the immediate taking effect of this act, therefore, the same shall be in force from and after its passage.

Emergency.

CHAPTER C.

AN ACT to amend sections fifteen and sixteen of an act entitled "An Act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and providing for the election of the town Marshal by the town trustees, and declaring an emergency.

[APPROVED MARCH 10, 1873.]

Sec. 15
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section fifteen of an act entitled "An Act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, be, amended so as to read as follows :

Sec. 15 as
amended.
Election of
trustees, clerk,
assessor and
treasurer and
their terms of
office.

There shall be elected at the first, and at every subsequent election, one trustee from each district in said town and also a clerk, assessor and treasurer, who shall respectively hold their offices until the first Monday in May next following, or until their successors are elected and qualified ; *Provided,* That nothing herein contained shall prevent the respective offices of clerk, treasurer, and assessor, from being held by one and the same person.

Office of clerk,
treasurer and
assessor may
be held by same
person.
Sec. 16 as
amended.

SEC. 2. That section sixteen of said act be amended so as to read as follows :

Person receiv-
ing highest no.
of votes to be
declared elected

The persons having the greatest number of votes shall be declared elected as such trustees, and the persons who received the greatest number of votes respectively, for clerk, assessor, and treasurer, as designated by the ballot for such office, shall be declared so elected ; and if two or more shall have an equal and highest number of votes, and there be no choice, the inspectors of such election shall forthwith determine by lot which shall be deemed elected. And it shall be the further duty of such inspectors to make a certified statement over their own signatures of the persons elected to fill the several offices in said town, and file the same with the clerk of the circuit court, in the county thereof, within ten days from the day of such election, and no act or ordinance of any board of trustees chosen at such election shall be valid until the provisions of this section are substantially complied with.

Election, how
determined in
case of tie vote.

Inspectors shall
make out certi-
fied statement
of vote and file
same with
clerk cir. ct.

Acts of board of
trustee not to
be legal until
provisions of
this sec. are
complied with.
Town trustees
shall elect town
marshal, his
term of office,
and removal.

SEC. 3. *Be it further enacted,* That the town trustees shall, at their first regular meeting held after their election, elect a town marshal, who shall hold his office one year,

and until his successor is elected and qualified; *Provided*, such trustees may at any time, for good cause, remove such marshal, and appoint a marshal to fill the vacancy.

SEC. 4. Whereas, an emergency exists for the immediate taking effect of this act, therefore, the same shall take effect and be in force from and after its passage. Emergency.

CHAPTER CL

AN ACT to amend the first section of an act entitled "An act to incorporate the University of Notre Dame Du Lac at South Bend, St. Joseph county, Indiana;" approved January 15, 1844.

[APPROVED MARCH 8, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of an act entitled "An Act to incorporate the university of Notre Dame Du Lac, at South Bend, St. Joseph county, Indiana," approved January 15, 1844, and which reads as follows, to-wit:

That Edward Frederick Sorin, Francis Lewis Cointet, Theophilus Jerome Marivault, Francis Gousse, and their associates and successors in office be, and are hereby, constituted and declared to be a body corporate and politic, by the name and style of the University of Notre Dame Du Lac, and by that name they shall have perpetual succession with full power and authority to confer and grant, or cause to be conferred and granted, such degrees and diplomas in the liberal arts and sciences and in law and medicine as are usually conferred and granted in other universities in the United States: *Provided, however*, That no degrees shall be conferred or diplomas granted except to students who have acquired the same proficiency in the liberal arts and sciences, and in law and medicine, as is customary in other universities in the United States; to elect a president and all such other officers, professors, instructors, and agents as they may think necessary for the benefit of said university; to contract and be contracted with; to acquire, hold, enjoy, and transfer property, real or personal, in their corporate capacity; to make, have and use a common seal, and the same to alter at pleasure; to sue and be sued, to plead and to be impleaded in any

Sec. 1 recite

court of law or equity; to receive and accept of any grant, gift, donation, bequest, or conveyance by any person, company or corporation, of any property, real or personal, and to hold and enjoy and dispose of the same as may by them be deemed best for the interest of said institution; to make, ordain, establish, and execute such by-laws, rules and ordinances, not inconsistent with the Constitution and laws of the United States, or of this State, as they shall deem necessary for the welfare of said university; and to do all other acts in pursuance thereof necessary for the promotion of the arts and sciences and the prosperity of said university; *Provided*, It shall not be lawful for said corporation to hold or be the owner of real estate, exclusive of improvements, exceeding in value thirty thousand dollars (\$30,000); and if by donation, devise, or otherwise it should become the legal or equitable owner of real estate of greater value the same shall be sold by said corporation within two years after such title shall have accrued or become vested therein, shall be amended so as to read as follows, to-wit :

Parties constituting body corporate and politic.

Name and style of body corporate and politic. Perpetual succession. Powers and authority. Degrees and diplomas upon whom shall be conferred or to whom granted.

President and other officers may be elected.

Real and personal property.

Seal.

May sue and be sued, &c.

Grants, gifts, bequests, &c.

By-laws, rules and ordinances, &c.

SEC. 1. That Edward Frederick Sorin, Francis Lewis Cointet, Theophilus Jerome Morivault, Francis Guesse, and their associates and successors in office, be, and are hereby, constituted and declared to be a body corporate and politic, by the name and style of the University of Notre Dame Du Lac, and by that name they shall have perpetual succession, with full power and authority to confer and grant, or cause to be conferred and granted, such degrees and diplomas in the liberal arts and sciences, and in law and medicine, as are usually conferred and granted in other universities in the United States: *Provided, however*, That no degrees shall be conferred or diplomas granted except to students who have acquired the same proficiency in the liberal arts and sciences, and in law and medicine, as is customary in other universities in the United States; to elect a president and all such other officers, professors, instructors, and agents as they may think necessary for the benefit of said university; to contract and be contracted with; to acquire, hold, enjoy, and transfer property, real or personal, in their corporate capacity; to make, have and use a common seal, and the same to alter at pleasure; to sue and be sued, to plead and be impleaded in any court of law or equity; to receive and accept of any grants, gifts, donations, bequests, or conveyance by any person, company, or corporation, of any property, real or personal, and to hold and convey, and dispose of the same as may by them be deemed best for the interest of said institution; to make, ordain, establish, and execute such by-laws, rules, and ordinances not incon-

sistent with the Constitution and laws of the United States, or of this State, as they shall deem necessary for the welfare of said university, and to do all other acts in pursuance thereof necessary for the promotion of the arts and sciences, and the prosperity of said university; *Provided*, it shall not be lawful for said corporation to hold or be the owner of real estate, exclusive of improvements, exceeding in value three hundred thousand dollars, and if by donation, devise, or otherwise it shall become the legal or equitable owner of real estate of greater value, the same shall be sold by said corporation within two years after such title shall have accrued or become vested therein.

Proviso.

Corporation shall not hold or be the owner of real estate, exclusive of improvements, exceeding \$300,000 in value, and if it should the same shall be sold within two years, &c.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

Emergency.

CHAPTER CIL

AN ACT relating to expenses incurred by one county, by change of venue from another county.

[APPROVED MARCH 10, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases, civil or criminal, where there has been or shall be a change of venue from from one county to another, the county from which the change of venue shall have been or shall be taken, shall be liable to pay to the county to which such change shall have been or shall be taken, all such expenses as shall have been or shall be incurred by such county to which such change shall have been or shall be taken, in consequence of such change, including in criminal cases, the expense of keeping the prisoner, if any, and in all cases, the fees paid by such county to the jury trying the case, and any of the regular pannel not engaged in such trial, allowance to bailiffs, and all other expenses necessarily incurred by such county, and consequent upon such change of venue and the trial of such cause; such expenses shall be audited and allowed by the court to which such cases shall have been changed, and such court shall certify such allowance to the auditor of the county from which the change of venue was first taken, and such auditor shall issue his warrant

County from which change of venue is taken shall be liable to pay all costs occasioned by such change including costs of keeping prisoner. Jury fees, &c.

Court shall certify such allowance to aud. of county from

which change
of venue was
first taken.
Provido.

Emergency.

on the treasurer of the county for the amount so allowed and certified; *Provided*, That this act shall not apply to causes disposed of prior to its passage.

SEC. 2. An emergency exists for the immediate taking effect of this act, therefore, the same shall take effect and be in force from and after its passage.

CHAPTER CIII.

AN ACT to amend section one of an act entitled "An Act to amend section nine, ten, eighteen, nineteen, twenty-three, twenty-four and thirty-three, of an act entitled an act to incorporate the town of Vernon, Jennings county, Indiana, approved January 22, 1851," approved December 20, 1865, and to legalize certain ordinances of said corporation.

[APPROVED MARCH 10, 1873.]

Sec. 1 amended. SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of the above entitled act be, and the same is hereby amended to read as follows:

Sec. 1 as
amended.
Quorum and
meetings of
council.
Special meet-
ings of council,
by whom called
and powers to
enact what laws
and ordinances.
Streets.

Nuisance.

Market houses,
&c.

Swine.

Buildings,
safety of.
Chimneys.

Speed of horses,
railroad trains,
&c.

Extinguish-
ment of fires.
Shade trees.
Bridges.
Enlistments.
Education,
literary, agri-
cultural, and
other institu-
tions.

A majority of the council shall form a quorum, and meet on their own adjournment. The mayor, or in his absence, the recorder, may call special meetings, and whenever met, shall have full power to enact and publish all such laws and ordinances as to them shall seem necessary, relative to the opening, repairing, graveling, and turnpiking of streets, as shall be necessary to keep said streets and alleys in said town open for the free use of the public; to declare what shall constitute a nuisance, and to prevent and abate the same, and for the erection of market houses, regulating markets, and for restraining and preventing swine from running at large within the bounds of the corporation, and for the preservation and safety of all buildings, whether public or private, for cleaning chimneys, to regulate the speed of railroad trains within said corporation, and to prevent the assemblage of boys at the depot thereof; for preventing and extinguishing fires within the limits of said corporation; for setting out shade trees, and protecting the same; to build bridges at said town, to encourage enlistments, to encourage education, to make such donation as to them may seem proper and just for the encouragement of any literary, agricultural, or scientific in-

stitution, located within said corporation, and for these purposes, shall possess full powers by ordinance to levy all taxes necessary to enable them to pay such donations or appropriations, and may issue the bonds of the corporation therefor, signed by the mayor and recorder thereof; to regulate by ordinance the sale of intoxicating liquor within said corporation, and to require a license therefor; to impose fines upon all persons transgressing against the laws and ordinances of the corporation, and to enact and publish all such other laws and ordinances as the said council may deem necessary and proper for the health, safety, cleanliness, convenience and good government of said corporation and the inhabitants thereof, not contrary to the constitution of the United States, nor the State of Indiana; *Provided*, That all laws and ordinances which shall be passed by said council, shall be published at length on the door of the court house or at some other public place in the town of Vernon, or in some newspaper published in said town, at least five days, after which said laws and ordinances shall be in force until repealed or modified by the proper authority.

Intoxicating
liquors.

Health of in-
habitants, good
government of
corporation.

Laws and ordi-
nances shall be
published, and
how.

When laws and
ordinances to
be in force.

SEC. 2. All laws and ordinances of said corporation heretofore passed, requiring license for the selling of intoxicating liquors are hereby legalized.

Laws, &c.,
passed requir-
ing license to
sell intoxicat-
ing liquor legal-
ized.
Emergency.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, therefore, the same shall be in force from and after its passage.

CHAPTER CIV.

AN ACT to provide for collecting agricultural, mineral and mechanical productions of Indiana, and their display at the Vienna Exposition, for the appointment of a commissioner and assistant commissioners, and provide for expenses connected therewith.

[APPROVED MARCH 4, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of three thousand dollars be, and the same is hereby appropriated to defray the expenses of the proper representation of this State and of her interests at the Vienna Exposition, to be expended under the direction and upon the warrant of the Governor.

\$3,000 appro-
priated to de-
fray expenses
to Vienna
exposition.

Money, how
expended.

Gov. shall commission State geologist as commissioner to Vienna exposition. Commissioner's pay for expenses.

Gov. authorized to appoint other commissioners to exposition, but they shall receive no pay from State.

Residue of money appropriated to be expended for transportation of specimens and for charts, maps, &c.

Commissioners shall make report to gov.

Gov. shall communicate report of com. to Gen. Assembly. Money unexpended to be turned over to State treasury.

Gov. authorized to draw warrant in favor of commissioners.

Emergency.

SEC. 2. The Governor shall commission the State Geologist as commissioner of this State to such exposition, who shall have charge of her interests in connection therewith, and shall receive for his expenses, the actual amount expended not exceeding one thousand dollars, out of the money herein appropriated.

SEC. 3. The Governor is hereby authorized to appoint and commission such other reputable citizens of the State as he may deem advisable, as assistant commissioners, but such assistant commissioners shall receive no pay from the State for their services or expenses.

SEC. 4. That the residue of the money herein appropriated, shall be used to meet the cost of transporting specimens of the productions of this State to the city of Vienna, and providing for their exhibition, and in printing a circular or pamphlet with proper maps and charts, in the German, French, and English languages, for distribution under the direction of the commissioners, which circular shall be prepared by the State Geologist under the supervision of the Governor.

SEC. 5. The commissioner shall make a detailed report of his proceedings, and the expenditure of money under this act to the Governor, and the Governor shall communicate the same to the legislature at the next session thereof, and any unexpended balance of money that may remain unexpended, shall be turned over to the State treasury.

SEC. 6. The Governor is authorized to draw his warrant on the treasury in favor of the commissioners for such moneys as he may find necessary to be expended out of the money herein appropriated.

SEC. 7. Whereas, an emergency exists that this act shall have effect at once, and therefore, it shall take effect and be in force from and after its passage.

CHAPTER CV.

AN ACT authorizing the organization of voluntary associations, and prescribing their duties and powers.

[APPROVED MARCH 7, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any number of persons may associate themselves together for the following purposes, to-wit: for the purpose of assisting the members of such association, by weekly contributions and assessments, in obtaining funds for the purpose of erecting a house or the purchase of a house, or for the establishment of a business, and to afford them an opportunity of laying up their savings and obtaining profitable interest thereon.

For what purposes persons may associate themselves together.

SEC. 2. Every such association shall be formed by written articles specifying the object of the same, the condition of membership, the corporate name with a description of their seal, and signed by each person, who may be a member at the time of the organization; the places of their residence, the mode and manner of the election or appointment of their officers, the place in which the business of the association is to be carried on, and the names of the directors chosen for the first year.

What articles of association shall specify and set forth.

SEC. 3. Every such association shall file their articles of association in the office of the recorder of the county in which it is organized, and the articles shall be recorded in the miscellaneous record of said county, and such association shall pay the expense of filing and recording the same, and a certified copy thereof shall be evidence of the things therein contained.

Articles of association shall be filed and recorded where; certified copy of same shall be evidence, &c.

SEC. 4. Every such association shall from the time of the filing and recording of such articles of association, be deemed and held to be a corporation, and shall have the power to sue and may be sued in their corporate name, and shall have the power to loan the money that may come into their hands, as provided for in section one of this act, and to secure said loan by mortgage on real estate or otherwise, and may also invest such moneys as they may possess in real estate, and may hold such real estate and convey the same as private individuals do, and shall possess and have all other powers and privileges given to corporations by common law, and may continue for a term of not exceeding seven years from the time of their organization.

Powers of corporation.

SEC. 5. Such corporation may, at its discretion, divide

Capital stock, division of time shares, &c.

their capital stock into shares not exceeding five hundred dollars, and determine the manner the same may be held and conveyed, and may determine from time to time the rules and regulations that shall govern it in the transaction of its business.

When association to be dissolved.

SEC. 6. When the weekly contributions and assessments amount to enough to pay off the shareholders, said association shall, within six months thereafter, be fully and finally dissolved.

Not to exceed \$5,000 to be kept on hand undivided.

SEC. 7. No such association shall be allowed to keep on hand and undivided in its treasury more than five thousand dollars at one time, and shall not loan to the members thereof any money at a greater rate of interest than eight per cent. per annum, which interest may be paid in advance or as the association may determine.

Rate of interest for which money is to be loaned to members.

Emergency.

SEC. 8. An emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage.

CHAPTER CVI.

AN ACT to amend sections five and six of an act entitled "An act to authorize the boards doing county business to declare water courses navigable," approved May 31, 1852.

[APPROVED MARCH 10, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section five of an act entitled "An act to authorize the boards doing county business to declare water courses navigable," approved May 31, 1852 which reads as follows:

Sec. 5 recited.

SEC. 5. The declaration of navigable water courses as navigable by said county board, shall not effect any mill nor dam, aqueduct, viaduct, bridge or machinery, which has been or may hereafter be established on said stream, be, and the same is hereby amended to read as follows:

Sec. 5 as amended. Mills, dams, bridges, &c., not to be affected by water-courses being declared navigable except, &c.

SEC. 5. The declaration of navigable water courses as navigable by said county board, shall not affect any mill, nor any dam, aqueduct, viaduct, bridge or machinery, on said stream, except in cases where the same have been abandoned for a period of twelve months.

SEC. 2. That section six of said act, which reads as follows: Sec. 6 recited.

SEC. 6. The boards of commissioners of the several counties shall have power to appropriate from the county treasury such sums of money as they may deem necessary, not exceeding two hundred dollars, to remove obstructions from such streams as have been heretofore declared navigable by law, or may be hereafter declared navigable under the provisions of this act, and to require the supervisor of any district through which such streams may run, to call out the hands in such district as many days, besides the two days mentioned in the third section of this act, as may be necessary to remove obstructions from such streams; *Provided*, That no person shall be required to work more than four days, be and the same is hereby amended to read as follows:

SEC. 6. The boards of commissioners of the several counties shall have power to appropriate from the county treasury such sums of money as they may deem necessary, not exceeding eight hundred dollars, to remove obstructions from such streams as have been heretofore declared navigable by law, or may be hereafter declared navigable under the provisions of this act, and to require the supervisor of any district through which such streams may run, to call out the hands in such district as many days, besides the two days mentioned in the third section of this act, as may be necessary to remove obstructions from such streams; *Provided*, That no person shall be required to work more than six days.

Sec. 6 as amended.
Board of commissioners may appropriate out of county treasury not to exceed \$800 to remove obstructions from streams declared navigable.
Board of commissioners may require supervisors to call out hands of district to remove obstructions from stream.
Emergency.

SEC. 3. An emergency exists for the immediate taking effect of this act, the same shall, therefore, be in full force and effect from and after its passage.

CHAPTER CVII.

AN ACT to amend section ninety of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State, approved June 17th, 1852, and declaring an emergency.

[APPROVED MARCH 10, 1873.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section ninety of an act entitled "An Act to revise, simplify and abridge the rules, prac-

Sec. 90 amended.

tice, pleadings and forms in criminal actions, in the courts of this State, approved June 17th, 1852, be, and the same; is hereby so amended that the same shall read as follows, to-wit:

Who competent witnesses.

The following persons are competent witnesses:

First. All persons who are competent to testify in civil actions.

Party injured.

Second. The party injured by the offense committed.

Accomplices when.

Third. Accomplices, when they consent to testify.

Defendant competent witness in his own behalf, but in case of failure to testify the same shall not be commented upon in argument, &c. Court to instruct jury. Emergency.

Fourth. The defendant to testify in his own behalf, but if the defendant do not testify, his failure to do so shall not be commented upon, or referred to in the argument of the cause, nor commented upon, referred to or in any manner considered by the jury trying the same, and it shall be the duty of the court, in such case, to instruct the jury as to their duty under the provisions of this section.

SEC. 2. An emergency is hereby declared to exist, requiring the immediate taking effect of this act, therefore, this act shall take effect and be in force from and after its passage.

CHAPTER CVIII.

AN ACT making the parties competent witnesses as to certain matters in actions by executors or administrators, upon contracts assigned to the decedent.

[APPROVED FEBRUARY 21, 1873.]

Executors, administrators and defendants, when competent witnesses.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all actions by an executor or administrator upon contracts assigned to the decedent, when the assignor is alive and a competent witness in the cause, the executor or administrator and the defendant or defendants shall be competent witnesses as to all matters which occurred between the assignors and the defendant or defendants, prior to notice of such assignment.

Emergency.

SEC. 2. An emergency exists for the immediate taking effect of this act, therefore the same shall be in force and take effect from and after its passage.

CHAPTER CIX.

AN ACT authorizing the auditors of Scott and Wayne counties to correct the reports made to the Superintendent of Public Instruction, relating to the school fund, common and congressional, as required by an act entitled "An act requiring county auditors to make examination of the records in their offices, in relation to school funds, and make report, and providing compensation therefor," approved December 21, 1865, and declaring an emergency.

[APPROVED MARCH 7, 1873.]

WHEREAS, the auditors of the several counties of this State, by an act approved December 21, 1865, were required to examine all or so many of the books, papers and records on file in their offices relating to the school fund, common and congressional, so as to enable them to ascertain the amount of said fund, which amounts when so ascertained, were to be submitted to the board of county commissioners of each county for approval, and when so approved and spread on record were to be certified by said auditor to the Superintendent of Public Instruction, on or before the third Monday in June, 1866, for his approval, and when so by him approved, should be taken as conclusive evidence of the facts therein contained; Preamble.

AND, WHEREAS, As the auditor of Scott county failed to report the sum of two thousand seven hundred and sixty-seven dollars and sixty-three cents losses of surplus revenue prior to the year 1843; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of said county of Scott and the auditor of the county of Wayne is hereby authorized to file a correct report of said school funds held by said counties with the Superintendent of Public Instruction on or before the third Monday of June, 1873; and when said report is approved by said superintendent, he shall notify said auditor of his approval, and said report shall be final. Auditors of Scott and Wayne counties authorised to file corrected reports of school funds with sup. pub. inst.
Sup't to notify aud. of approval of such reports.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage. Emergency.

CHAPTER CX.

AN ACT relating to the sale and conveyance of the property heretofore owned and occupied as a county jail, county seat and court house of Perry county, situated at the town of Rome, in said Perry county, State of Indiana.

[APPROVED MARCH 7, 1873.]

Preamble.

WHEREAS, Heretofore the county seat of Perry county, State of Indiana, situated at the town of Rome, was moved therefrom to the town of Cannelton, in said county and State, and after the removal of said county seat from said town of Rome, the county board of said county of Perry, conveyed the property at said town of Rome, that was occupied and used as the jail and court house, and the lots upon which the same were situated, to John C. Shoemaker, Ballard Smith, and _____ as trustees, the same to be used as a seminary, and the said trustees to hold the same as such, and for such purpose;

AND WHEREAS, Said trustees have abandoned said property, and permitted the same to go to decay, and the same is not now, nor has it been used for six years past for seminary purposes, or for any educational purposes, and the same is constantly going to decay and becoming of less value; therefore,

Co. board may order trustees to sell said property, and convey same when.

Trustees to pay money to treasurer, take receipt for same, and obtain quietus from co. and. Money so paid to become part of co. revenue. Surviving trustees may sell and convey said property.

Board of commissioners may order co. and. to sell and convey said property if trustees fail or refuse to sell and convey same.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county board of said Perry county are hereby empowered to order said trustees to sell said property at public sale, and to convey the same by proper deed to the purchaser, after the payment of the purchase money therefor, and the trustees shall pay said purchase money to the treasurer of said county, take his receipt, and shall obtain from the auditor of said county a quietus therefor; and said money, when so paid in, shall be and become a part of the county revenue.

SEC. 2. If either of said trustees be dead, the survivors may be ordered to sell and convey as provided in the first section of this act.

SEC. 3. If said trustees fail or refuse to sell and convey said property, the board of commissioners of said county may order the auditor of such county to sell and convey said property by proper deed, and to pay the proceeds thereof to the treasurer of said county, the same to be

placed to the credit of the county revenue of said county.

SEC. 4. An emergency exists for the immediate taking Emergency.
effect of this act, therefore, the same shall be in force from
and after its passage.

CHAPTER CXL

AN ACT for the relief of Nicholas Moreback, Joseph E. Lang, and
Francis Joseph Wetzler.

[APPROVED MARCH 6, 1873.]

WHEREAS, It is represented to this General Assembly that Preamble.
Nicholas Moreback, former trustee of Jackson township,
Ripley county, Indiana, on the 14th day of October,
1863, while he was acting as such trustee, and as such,
held in his hands the sum of seven hundred and sixty-
six dollars, and seventy-three cents, special school funds
of said township, and the sum of seven hundred and
ninety-seven dollars and fifty-three cents, school funds of
said township ;

AND, WHEREAS, It is further represented that on the night
of said 14th day of October, 1863, the house and an
iron safe where said money was deposited by said More-
back for safe keeping, were broken open and entered by
burglars, and said moneys stolen without any fault or
negligence on the part of said Moreback, and that the
same, nor no part thereof, has ever been recovered by
said Moreback ;

AND, WHEREAS, On the second day of March, 1872, in
the Ripley circuit court of this State, judgment was
rendered against said Nicholas Moreback, and Joseph E.
Lang, and Francis Joseph Wetzler, his securities on his
official bond at the suit of the State of Indiana, on the
relation of said Jackson township, on the official bond
of said Moreback, for the sum of two thousand five hun-
dred dollars for the money so stolen, and interest and
damage thereon, which judgment is recorded in order
book "R," page 76, of the records of said Ripley circuit
court ;

AND WHEREAS, A large number of the citizens and tax
payers of said township, have petitioned this General

Assembly for the passage of a law for the relief of said Moreback and his said sureties, and release and satisfaction of said judgment;

AND WHEREAS, The citizens of said township, are alone interested in said judgment, and affected by such release and satisfaction; therefore,

Nicholas Moreback, Joseph E. Lang and Francis J. Wetzler released from liability on certain judgments, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said Nicholas Moreback, Joseph E. Lang, and Francis Joseph Wetzler, and each of them be and are hereby released from all liability on account of said judgment except the costs, and also from all liability on account of the non-payment by said Morback, trustee as aforesaid, of said sums so stolen as aforesaid, to his successor in office or in anywise accounting for the same to said township.

Emergency.

SEC. 2. An emergency exists for the immediate taking effect of this act, therefore, the same shall be in force and take effect from and after its passage.

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CHAPTER CXII.

AN ACT for an act to authorize the Governor of the State of Indiana to exchange with Peter Donnelly certain lands therein described.

[APPROVED MARCH 10, 1873.]

Preamble;

WHEREAS, The tract of land upon which the Indiana State prison at Michigan City is located is not possessed of proper facilities for drainage and sewerage,

AND, WHEREAS, The proper facilities for such purpose can be obtained by acquiring a strip of land so as to connect the prison tract with Fish Lake creek,

AND WHEREAS, The said strip of land can be acquired by the State by an exchange of an equal quantity of land off the Prison tract, and the said exchange is necessary to obtain proper drainage and sewerage for said Prison; therefore,

Upon the execution and delivery of a good and sufficient deed, by

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That upon the execution and delivery by Peter Donnelly of a good and sufficient deed to the State of Indiana, for the following described real estate

to-wit: A piece of land in section number thirty-one (31), township thirty-eight (38), north of range four (4), west, described as follows, to-wit: Commencing at a point on the north line of the prison tract thirty-two rods and fourteen links west of the northeast corner of said tract, and running thence west eight (8) rods and twenty-three (23) links along said north line, thence north eleven (11) rods, west eighteen rods, thence north seventy-six (76) rods; thence east, twelve (12) rods and ten links; thence south twenty (20) rods and eighteen (18) links, to place of beginning, containing one acre and twenty-five hundredths of an acre more or less; then it shall be the duty of the Governor of the State of Indiana, to execute and deliver to said Peter Donnelly, a good and sufficient deed conveying to him all the right, title and interest of the State in and to the following tract of land to-wit:

Peter Donnelly,
to State, for
certain lands;
governor to
issue and de-
liver deed to
said Donnelly
for certain
other lands.

A piece of ground in section thirty-one (31), township thirty-eight (38), range four (4), west, described as follows: Commencing at the northeast corner of the prison tract, and running thence west on north line of said tract, twelve (12) rods and fifteen (15) links, thence south at right angles with said north line, seventeen (17) rods and sixteen links, thence north seventy-four (74) rods east parallel with the railroad tract running from the M. C. R. R. inside prison enclosure, thirteen (13) rods and one (1) link, thence north fourteen (14) rods and thirteen (13) links to place of beginning, containing one (1) acre and twenty-five (25) hundredths of an acre more or less.

Sec. 2. An emergency is hereby declared for the immediate taking effect of this act, the same shall take effect and be in force from and after its passage.

Emergency..

JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF INDIANA.

JOINT RESOLUTION No. 4.

A JOINT RESOLUTION authorizing the sale of certain personal property therein named.

[APPROVED FEBRUARY 7, 1873.]

WHEREAS, There are certain articles of furniture and household property belonging to the State, which formerly belonged to the Governors Mansion, now in the hands of Ex-Governor Baker; therefore,

Be it resolved by the General Assembly of the State of Indiana, That the Secretary and Treasurer of State be, and they are hereby authorized and directed to sell said articles of furniture and household property for the best price that can be obtained for the same, and pay the proceeds thereof into the treasury of the State.

JOINT RESOLUTION No. 5.

A JOINT RESOLUTION to make temporary provision for the public printing.

[APPROVED JANUARY 28, 1873.]

WHEREAS, The office of State printer has been abolished by action of this General Assembly, and whereas, no

other provision has yet been made for the necessary public printing; therefore,

Be it resolved by the General Assembly of the State of Indiana, That the Secretary of State be, and he is hereby authorized and required, with the advice and consent of the chairmen of the printing committees of the two houses of this General Assembly, to contract with some suitable person, to do such printing as may be authorized by law, until such time as other provision shall be made; *Provided,* That all orders for printing, by whomsoever made, shall be transmitted to such secretary, and by him endorsed and delivered to such contractor, and that all printing done under this resolution, shall be delivered by the contractor at the office of such secretary, to be counted and measured, and that such secretary shall record all such orders and deliveries, and make report thereof, with a copy of such contract, whenever required by this General Assembly; *Provided,* That said printing shall be done on the best terms that can be secured in the city of Indianapolis, and that no printing shall be done except such as is necessary for the use of the General Assembly at its present session, and that no contract for the same shall extend beyond the close of this session.

JOINT RESOLUTION No. 7.

A JOINT RESOLUTION concerning public printing.

[APPROVED JANUARY 31, 1873.]

Be it resolved by the General Assembly of the State of Indiana, That the late State printer be, and he is hereby authorized, under inspection of the Secretary of State, to finish the following work now in process of binding: (1.) The reports of the State board of agriculture. (2.) The report of the Superintendent of Public Instruction; *Provided,* That he shall not charge for such binding any greater price than current rates for similar work in other binderies of the city of Indianapolis.

Resolved further, That the late State printer be, and he is hereby authorized to finish the composition and press work of the following work now in an advanced stage of progress: (1.) The laws and journals of the last special session

of this General Assembly. (2.) The reports of the State prisons, north and south. (3.) The reports of the State Normal School; *Provided*, That he is not authorized to fold, stitch, or bind any portion of said work, except upon special contract.

Resolved further, That the Governor, Secretary, and Treasurer of State, be joined with the Auditor, for the special purpose of examining the bills and accounts of the late State printer, and that the auditor shall not approve or draw warrants for any bill, account or charge of said printer unless approved also by said Governor, Secretary and Treasurer.

Resolved further, That the Secretary of State, in connection with the chairman of the printing committee of the Senate and House of Representatives, be authorized to contract on the best terms he can obtain from a responsible person, for the folding and stitching of three hundred copies of the acts of the last special session for the use of this General Assembly.

JOINT RESOLUTION No. 8.

A JOINT RESOLUTION in relation to the cancellation of certain bonds of the State therein named.

[APPROVED FEBRUARY 25, 1873.]

WHEREAS, This General Assembly, by act approved December 12, 1872, ordered the treasurer of State to redeem certain bonds of the State of Indiana described therein, and

WHEREAS, There is no provision in said act authorizing any of the officers of State to cancel or in any way mark said bonds so that they can be identified as the property of the State; therefore,

Be it Resolved by the General Assembly of the State of Indiana, That whenever the treasurer of State shall have redeemed and paid for any bond or bonds described in the act referred to in the preamble to this joint resolution, it shall be his duty immediately to call a meeting of the officers of State whose duty it has been to examine as to the genuineness of said bonds, and the Secretary of State shall, in the presence of the board, endorse on each bond

the date of its presentation to the Treasurer of State; the date of its redemption; the amount paid therefor, with coupons attached and all interest there on, which indorsement shall be signed by all the members of the board organized under said act; and shall further deface such bond by making three incisions across the names of the State officers originally signing said bond, and said bond shall not be marked or defaced in any other way than herein described.

The Secretary of State shall cancel each coupon by stamping on the face the word "paid" in red ink, with stamp and type provided for that purpose, under the order of said board.

JOINT RESOLUTION No. 10.

A JOINT RESOLUTION authorizing legal proceedings in regard to the Calumet Dam.

[APPROVED FEBRUARY 5, 1873.]

WHEREAS, The authorities of the State of Illinois have, at the earnest request of the authorities of this State, removed the dam at Blue Island, Illinois, known as the Calumet Dam;

AND WHEREAS, An attempt is being made by certain parties, to rebuild said dam; therefore, be it

Resolved, That the Attorney General of this State be hereby directed to repair at once to Chicago, or any other suitable place, and take such steps as he may deem necessary in the premises, to successfully enjoin such or any parties from rebuilding or repairing said dam; and in the event, the Attorney General being unable to attend to the matter immediately, that he be hereby directed and authorized to employ Hon. Conrad Baker, or some suitable person for the purpose contemplated by this resolution.

JOINT RESOLUTION No. 11.—(HOUSE.)

A JOINT RESOLUTION directing a settlement with the State Printer.

[APPROVED JANUARY 31, 1873.]

Resolved by the General Assembly of the State of Indiana, That the State printer, immediately on the expiration of his term of office, shall make settlement with the State, and shall turn over to the Secretary of State, all copy, paper, binding material, printed matter, or other property whatsoever in his possession belonging to the State; that the said secretary shall take a careful inventory thereof, forward said inventory to this General Assembly, and safely keep such property until this General Assembly shall make further provision therefor; and upon such settlement, the Auditor of State shall immediately transmit to this General Assembly a full and accurate statement thereof.

JOINT RESOLUTION No. 11.—(SENATE.)

A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to use all proper means to secure the establishment of a district court for northern Indiana, at the city of Fort Wayne; also a distributing post-office at said city, and obtain an appropriation for the erection of a suitable building for the purposes contemplated by said resolution.

Resolved by the Senate, the House of Representatives concurring, That our Senators in Congress be instructed, and our Representatives be requested to use all proper means to secure the establishment of a district court of the United States, at the city of Fort Wayne, in the county of Allen, in the State of Indiana, for northern Indiana, and also a distributing post-office at said city; and to obtain an appropriation for the erection of a suitable building for the purposes contemplated by this resolution.

Resolved, That the Governor be, and is hereby, re-

quested to furnish each of our Senators and Representatives in Congress, as soon as practicable, with a copy of this resolution.

JOINT RESOLUTION No. 12.—(HOUSE.)

A JOINT RESOLUTION in relation to giving notice to the electors of the State of Indiana, of the submission to the same for their adoption or rejection, the proposed amendment to the Constitution of Indiana, in relation to the debt charged upon the Wabash and Erie Canal.

[APPROVED JANUARY 31, 1873.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That the Secretary of State is hereby authorized and required to give notice, by publication, in the Indianapolis Journal and Sentinel, to the electors of the State, of the action of the General Assembly, in relation to the proposed amendment to the Constitution of the State of Indiana, prohibiting the payment of the indebtedness charged upon the Wabash and Erie Canal, which is to be submitted to the qualified voters of the State, on the 18th day of February, 1873, and

Be it further resolved, That the Governor be, and he is hereby required to give notice of the same, by proclamation to the people of the State.

JOINT RESOLUTION No. 12.—(SENATE.)

A JOINT RESOLUTION confirming the purchase of additional grounds whereon to erect a new State House.

[APPROVED MARCH 5, 1873.]

WHEREAS, The Governor, Attorney General, Secretary of State and Auditor of State in pursuance of an act of

the General Assembly, have reported to this General Assembly that they can obtain the grounds required in said first named act, for the extension of the present capital grounds for the sum of nineteen thousand five hundred dollars including the buildings situated thereon. Therefore,

Resolved by the General Assembly of the State of Indiana, That the governor, attorney general, secretary and auditor of State, or a majority of them, be and they are hereby directed to close the contract for the purchase of the grounds in their report of yesterday mentioned, the said contract as reported being satisfactory to the General Assembly.

And be it further resolved, That an amount sufficient be placed in the specific appropriation bill to pay the amount of nineteen thousand five hundred dollars, the purchase price of said land.

JOINT RESOLUTION No. 15.

A JOINT RESOLUTION relative to the agreement between the States of Indiana and Ohio, on the subject of the Wabash and Erie Canal.

WHEREAS, The Congress of the United States, by an act approved May 24, 1824, authorized the State of Indiana to survey and mark through the public lands of the United States, the route of the canal afterwards known as the Wabash and Erie Canal; and afterwards by an act approved March 2, 1827, granted to the State of Indiana, a quantity of land to aid said State in building said canal upon certain terms and conditions therein specified;

AND WHEREAS, A portion of the line of said canal extended through the State of Ohio, which State was equally interested, and desirous of building the said canal through her jurisdiction with the State of Indiana, the Congress of the United States, by act approved May 24, 1828, authorized the said State of Indiana to convey and transfer to the said State of Ohio, all the lands granted to said State of Indiana, to aid in the construction of said canal which might be within the limits of the State of Ohio, subject to the conditions of the original grant by Congress;

AND WHEREAS On the 27th day of January, 1834, the General Assembly of the State of Ohio adopted the following preamble and resolutions, which were communicated to the General Assembly of Indiana, on the 3d day of February, 1834, viz:

“ WHEREAS, The Congress of the United States has granted to the State of Indiana a quantity of land lying in the State of Ohio, to aid such State in opening a canal to unite at navigable points, the waters of the Wabash river with those of Lake Erie;

AND WHEREAS, The State of Indiana is authorized to convey and relinquish to the State of Ohio, upon such terms as may be agreed upon by said States, all the right and interest granted to the State of Indiana to any lands within the limits of the State of Ohio, granted to the State of Indiana for the purpose aforesaid;

AND WHEREAS, It is understood by this General Assembly that the State of Indiana is desirous of conveying and relinquishing said lands to the State of Ohio, upon condition that the State of Ohio will construct that part of the said Wabash and Erie Canal, which lies within her limits, within the time limited by the law of the United States for constructing the same, and in all other respects agreeably to the provisions of said law of Congress, and that no higher rates of toll shall be charged to any person using said canal than may be charged to citizens of Ohio for using the same; therefore,

Resolved by the General Assembly of the State of Ohio, That the State of Ohio does agree to accept from the State of Indiana, a conveyance and relinquishment of said lands upon the aforesaid conditions, and Ohio agrees to select said land.

Resolved, That the Governor be requested to forward to the Governor of the State of Indiana, a copy of these resolutions, with a request that he lay the same before the General Assembly of Indiana;”

AND WHEREAS, On the 1st day of February, 1834, the General Assembly of the State of Indiana, in response to the above preamble and resolutions of the State of Ohio, adopted the following preamble and resolutions, to-wit:

“ A joint resolution relative to the cession of the Wabash and Erie Canal lands, which lie in the State of Ohio, approved February 1, 1834.

WHEREAS, The State of Indiana became vested with the right to a quantity of land in the State of Ohio by the act of Congress, of the second of March, 1827, granting certain lands to aid in the construction of a canal to connect at navigable points, the waters of the Wabash with those of Lake Erie, and by the subsequent act of

Congress, to aid the State of Ohio in extending the Miami canal from Dayton to Lake Erie, approved May 24, 1828, the State of Indiana was authorized to convey and relinquish to the State of Ohio, upon such terms as may be agreed upon by said States, all the right and interest granted to the State of Indiana, to any lands within the limits of the State of Ohio, by the act of Congress aforesaid, of the second of March, 1827;

AND WHEREAS, A joint resolution of the General Assembly of the State of Ohio, approved the — of January, 1834, has been communicated to the General Assembly of this State, setting forth the willingness of Ohio to receive the transfer and relinquishment of the canal lands within her jurisdiction, from the State of Indiana, and to construct that part of the Wabash and Erie Canal which is situated within her bounds, which measures, if carried into effect by expediting the construction of the canal, and obviating the inconveniences and delays which would necessarily arise from conflicting jurisdictions between the two States, will greatly advance the interests and prosperity of the respective citizens; therefore,

Resolved by the General Assembly of the State of Indiana,
That in consideration of the following terms and conditions, to be performed by the State of Ohio, to-wit:

1st. The State of Ohio to construct and keep in repair a canal from the intersection of the Wabash and Erie Canal, with the State Line dividing Indiana and Ohio, to a point as low down the Maumee river towards Lake Erie, as the towns of Maumee and Perrysburgh, the dimensions of which shall not be less in width at top water line than forty feet, and of capacity of not less than four feet depth of water; the locks and aqueducts to be constructed of sufficient dimensions to admit the passage of as large boats as can be passed in similar structures on that part of the Wabash and Erie Canal which lies in Indiana; said canal to be, and forever remain a public highway for the use of the government of the United States, free from any toll or any other charge whatever, for any property of the United States, or persons in their service passing through the same.

2nd. The State of Ohio to charge no higher tolls to citizens of Indiana, or other persons passing on or transporting freights on said canal than shall be charged to, or paid by the citizens of Ohio, nor higher rates of tolls, than shall be charged on the principal canals in Ohio.

3rd. The State of Ohio to complete said portion of the Wabash and Erie Canal, on or before the 2d of March, 1847, and to undertake the performance to the genera

government of all the stipulations and conditions required by the aforesaid act of Congress, approved the 2d of March 1827, which the State of Indiana would have been held and bound in good faith to perform, provided she had constructed this part of the canal in the State of Ohio, and have selected and appropriated to her use, the lands which are herein transferred and relinquished.

4th. And lastly; the State of Ohio, by her official act, to accept of the terms and conditions of this transfer and conveyance of said lands, and communicate the same to the Governor of this State, on or before the thirty-first day of March next. The State of Indiana doth hereby grant and quit claim, relinquish and convey to the State of Ohio, all the right, title and interest, in and to all the lands lying and being situated in the State of Ohio, which she, the said State of Indiana, derived by, or in virtue of, through or from the act of Congress, entitled "An Act to grant a certain quantity of land to the State of Indiana, for the purpose of aiding said State in opening a canal to connect the waters of Wabash River with those of Lake Erie, approved the 2d of March, 1827, and hereby authorizes the State of Ohio to receive from the general government the lands aforesaid, and to select the same according to the provisions of said act of Congress, in as full right and manner as if the said canal was to be constructed by the State of Indiana, and the lands selected and set apart by her authority."

WHEREAS, The State of Ohio, on the 24th of February, 1834, in response to the above recited preamble and resolutions of the State of Indiana, adopted the following, to-wit:

"Resolved by the General Assembly of the State of Ohio, That in consideration of the relinquishment, transfer and conveyance by the State of Indiana to the State of Ohio of said lands lying in the State of Ohio, granted by Congress to the State of Indiana by the act of the second of March, 1827, to aid said State in opening a canal to unite at navigable points the waters of the Wabash and those of Lake Erie; the State of Ohio agrees to and accepts the relinquishment, transfer and conveyance of said land, on the terms and conditions on which said relinquishment, transfer and conveyance are made, and accepts all and singular the terms and conditions of said resolution as contained in the first, second, third and fourth articles or sections of said resolution, and hereby pledges herself to the performance thereof fully and to all intents and purposes as the same are therein contained and expressed."

Which said three several resolutions of the said States, to-wit: of the State of Ohio, of the 27th day of January,

1834, and 24th day of February, 1834, and of the State of Indiana of the 1st day of February, 1834, embody and contain the entire agreement and understanding made and entered into by said States on said subject; and,

WHEREAS, The General Assembly of the State of Ohio, by a joint resolution adopted on the 21st of February, 1871, has, in the opinion of the General Assembly of the State of Indiana, misstated the history of the case, and assumed against the State of Indiana the existence of a liability that was never assumed, and the assertion of which, on the part of the General Assembly of Ohio, is not warranted by the facts; therefore,

Resolved by the General Assembly of the State of Indiana, That the only contract, agreement or covenant made and entered into by the State of Indiana, with the State of Ohio, on the subject of the Wabash and Erie Canal, or any liability incurred or assumed by said State of Indiana, on said account with the State of Ohio, is limited by and expressed in the resolution of the General Assembly of the State of Indiana, approved February 1, 1834, and none other.

Resolved, That the State of Indiana never agreed or promised the State of Ohio to keep in repair the portion of the Wabash and Erie Canal within her jurisdiction, and that she is under no legal, equitable or moral obligation to do so.

Resolved, That the Governor of this State be and he is hereby requested to forward a copy of the foregoing preamble and resolutions to the Governor of the State of Ohio with the request that the same be laid before the General Assembly of Ohio, without delay.

JOINT RESOLUTION No. 16.

A JOINT RESOLUTION in relation to railroad companies and corporations, and defining the duties and giving directions to the attorney general as to suits and proceedings now pending and which may hereafter be brought.

[APPROVED MARCH 10, 1873.]

Be it resolved by the General Assembly of the State of Indiana, That the attorney general be, and he is hereby

authorized, directed and required to take charge of, conduct, manage, prosecute, discontinue or dismiss, and have the control of any and all suits and proceedings now pending or which may hereafter be instituted in the name of the State of Indiana, on the relation of the State of Indiana, by any prosecuting attorney, against any and all railroad companies or corporations, in the nature of a *quo warranto*, or otherwise, and to adjust, settle or compromise any and all claims the State may have against such company or corporation, in such manner and on such terms as he may think proper, and receive payment of such claim in money, bonds, stocks or mortgages, which money, bonds, stocks or mortgages, shall, by such company or corporation, be paid over to the treasurer of State under the direction of the attorney general.

Provided, That any suit or suits now pending or which may hereafter be brought, shall be dismissed, adjusted, settled or compromised, whenever the same shall be directed in writing by the Governor, and Lieutenant Governor and upon such terms and conditions as they shall direct.

JOINT RESOLUTION No. 18.

A JOINT RESOLUTION declaratory of the meaning of the first section of an act approved February 3, 1873, entitled "An act supplemental to an act to establish a female prison and reformatory institution for girls and women, and to provide for the organization and government thereof, and making appropriations," approved May 13, 1869.

[APPROVED FEBRUARY 6, 1873.]

WHEREAS, Doubts exist as to whether the appropriation made by the first section of said act of February 3, 1873, or any part thereof can be applied to the payment of existing indebtedness, contracted in erecting the building of said institution; therefore,

Resolved by the General Assembly of the State of Indiana, That said appropriation was intended to be applied, so far as necessary, to the payment of all just debts contracted in the erection of the building of said institution, and such is declared to be the true intent and meaning of said first section.

JOINT RESOLUTION No. 19.

A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to restore certain soldiers therein mentioned to their original positions on the rolls of the army.

[APPROVED MARCH 10, 1873.]

WHEREAS, After the surrender of the rebel generals Lee and Johnson, with their armies, in the spring of 1865, a large number of soldiers who had enlisted in the army of the United States to serve three years or during the war, believing the war was at an end and their term of service expired, left their regiments and returned to their homes before they were legally and finally discharged; and

WHEREAS, Such soldiers were charged upon the rolls of their respective companies with desertion, in consequence of which charge they have never been able to recover from the government of the United States any bounty or the pay that was due them at the time they so left their commands; therefore,

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives be requested to use their influence to secure the passage of a law by the Congress of the United States to restore all such soldiers as are mentioned in the preamble of this joint resolution to all their rights, the same as if they had been legally discharged, and to authorize the adjutant general of the United States army to remove from the rolls the charge of desertion against such soldiers.

Resolved further, That his excellency the Governor be requested to forward a copy of this joint resolution to each of our Senators and Representatives in Congress.

JOINT RESOLUTION No. 22.

A JOINT RESOLUTION proposing amendments to the constitution of the State of Indiana.

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That the following amendments to the constitution of the State of Indiana be submitted to the people of this State for their adoption or rejection :

SEC. 2. Amend article two, section two, to read as follows: "Sec. 2. In all elections not otherwise provided for by this constitution, every male citizen of the United States of the age of twenty-one years and upwards, who shall have resided in the State during the twelve months and in the county three months immediately preceding such election; and every male of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one or more years, and shall have resided in the State during the twelve months, and in the county three months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he shall have resided for the thirty days immediately preceding such election."

SEC. 3. Amend by striking out section five of article two.

SEC. 4. Amend section 4 of article four, by striking out of the same the word "white."

SEC. 5. Amend section 5 of article four by striking out of the same the word "white."

SEC. 6. Amend section 2 of article seven to read as follows: "Sec. 2. The supreme court shall consist of not less than five nor more than seven judges, a majority of whom shall form a quorum. They shall hold their offices for six years if they so long behave well, provided that the judges elected at the first election after the taking effect of this amendment shall be divided by lot into three classes as nearly as may be, the fraction to be in the last class, and the seats of the first class shall be vacated at the expiration of two years, those of the second class at the expiration of four years, and those of the third class at the expiration of six years, so that one third, as nearly as practicable, shall be chosen biennially for ever thereafter."

SEC. 7. Amend by striking out all of the sections in

article thirteen, and inserting in lieu thereof the following section: "Sec. 1. No political or municipal corporation in this State shall ever become indebted in any manner or for any purpose to an amount in the aggregate exceeding five per centum on the value of the taxable property within such corporation, to be ascertained by the last assessment for State and county purposes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount, given by such corporations, shall be void."

SEC. 8. Amend further by adding the following section to article seven of Section 22. "The election for judicial officers may be provided for by the General Assembly to take place at such time when no other election is pending.

JOINT RESOLUTION No. 23.

A JOINT RESOLUTION to amend article two, section four of the Constitution.

Be it resolved by the General Assembly of the State of Indiana, That section fourteen, of article two, of the constitution, be, and the same is hereby amended so as to read as follows, to-wit:

SECTION 14. All general elections shall be held on the first Tuesday after the first Monday in November, until otherwise provided by law.

ERRATA.

- Page 23, sec. 5, line 29—for "as are used," read "as are usual."
Page 3, sec. 1, line 22—for "on interest," read "or invested."
Page 29, sec. 31, line 7, after the word "exceed," add the words "the rate of."
Page 35, sec. 7, line 28,—for "affect," read "effect."
Page 39, second line from top of page—for "any," read "an;" also in eighth line from top of page, for "affect," read "effect."
Page 40, fifth line from top of page—for "constructures," read "structures," and on the same page, sec. 12, line 3—for "bonds," read "bounds."
Page 44, ending of line 14, and beginning of line 15,—for "mortgages, loans," read "mortgage loans."
Page 74, sec. 11, line 7, after the word "mile," add "for each mile."
Page 81, sec. 1, line 7—for "ar," read "as."
Page 120, sec. 2, to line 29, add "50," also in sec. 3, same page, lines 3 and 4, for "1 0" read "1 00."
Page 124, sec. 5, line 19—for "office," read "officer."
Page 137, line 7, from top of page, after "any," add "such."
Page 138, sec. 1, line 16, for "any," read "an."
Page 142, sec. 4, line 14, after "aforesaid," add "and the."
Page 154, sec. 9, line 2, for "a person," read "any person."
Page 164, sec. 2, line 20,—for "and all," read "and at all," also at the end of line 24 of said section, omit "to" and "vote," at beginning of line 25 of said section.
Page 171, sec. 21, line 16—for "repeal," read "appeal."
Page 173, sec. 24, line 20—for "any suit," read "any such suit."
Page 180, line 3 from top of page—for "no," read "on."
Page 190, sec. 10, line 2—for "such," read "all."
Page 190, in first line of title to act—for "supreme court," read "supreme, circuit," also in sec. 3, line 4, of same page—for "said," read "such."
Page 191, sec. 1, line 5—for "pertaining" read "appertaining."
Page 194, sec. 1, line 6—for "such" read "said."
Page 204, chap. 92, sec. 1, line 2—for "where" read "when;" and in line 9—for "therein" read "thereon."
Page 226, in third line of title to act—for "1352" read "1852."

CERTIFICATE.

STATE OF INDIANA, ss: }
OFFICE OF SECRETARY OF STATE, }

I, W. W. Curry, Secretary of State for the State of Indiana, certify that I have compared the foregoing printed with the enrolled Acts and Joint Resolutions, from which the same were taken, now on file in my office, and have found them correctly printed, except as indicated in the above errata. Words included [thus] were by me inserted to aid the sense.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the State of
[SEAL] Indiana, at the city of Indianapolis, this 15th day of May, A. D. 1873.

W. W. CURRY,

Secretary of State.

APPENDIX.

ABSTRACTS

FROM THE

AUDITOR'S REPORT

FOR THE YEAR ENDING OCTOBER

31, 1871.

A GENERAL STATEMENT of the Receipts and Disbursements of the Treasury Department during the Fiscal Year, commencing November 1, 1870, and ending October 31, 1871.

RECEIPTS.

There was remaining in the Treasury November 1, 1870..... \$364,134 65

During the year ending October 31, 1871, the following sums have been received :

REVENUE.

On account of the revenue of 1870.....	\$1,114,686 00
On account of Revenue of 1869.....	1,759 15
On account of Delinquent Revenue of 1870.....	82,901 44
On account of Delinquent Revenue of 1869.....	108,615 34
	\$1,307,951 93

COMMON SCHOOL REVENUE.

On account of Tax of 1870.....	\$861,615 19
On account of Delinquent Tax of 1870.....	91,024 14
On account of Delinquent Tax of 1869.....	114,585 48
On account of Interest on Bonds.....	223,740 96
On account of School Fund Interest.....	124,535 96
On account of Liquor Licenses.....	112,969 17
On account of Unclaimed Fees.....	969 56
	\$1,529,482

ABSTRACTS FROM THE STATE DEBT SINKING FUND.

On account of Tax of 1870.....	\$492,039 94	
On account of Delinquent Tax of 1870.....	48,106 68	
On account of Delinquent Tax of 1869.....	65,642 33	
On account of Interest on Stocks.....	6,429 02	
	<hr/>	\$610,137 97

COLLEGE FUND.

On account of Principal.....	\$8,150 00	
On account of Interest.....	7,826 01	
On account of Damages.....	365 85	
On account of Costs.....	238 00	
On account of Excess.....	1,673 59	
On account of University Lands.....	1,659 06	
	<hr/>	\$19,912 51

SALINE FUND.

On account of Principal.....	\$300 00	
On account of Interest.....	117 60	
	<hr/>	\$417 60

BANK TAX FUND.

On account of Interest.....	\$27 79	
	<hr/>	\$27 79

PUBLIC INSTITUTIONS.

On account of Hospital for the Insane.....	\$13,188 44	
On account of Asylum for the Deaf and Dumb.....	1,434 56	
On account of Institute for the Blind.....	1,892 79	
On account of State Prison, North.....	60,412 61	
On account of State Prison, South.....	48,255 22	
On account of House of Refuge.....	450 00	
	<hr/>	\$125,633 61

MISCELLANEOUS.

On account of Swamp Lands.....	\$6,498 19	
On account of State Board of Education.....	25 00	
On account of General Fund.....	403 82	
On account of Legislation.....	100 00	
On account of Docket Fees, Circuit Courts.....	3,312 25	
On account of Sales of Adjutant General's Reports.....	35 10	
On account of Bright Lands.....	1,720 00	
	<hr/>	\$12,066 36

Total Receipts from November 1, 1870, to October 31, 1871, including balance on hand, November 1, 1870.....	<hr/>	\$3,969,773 86
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DISBURSEMENTS.

ORDINARY EXPENDITURES.

On account of Legislation.....	\$82,520 12
On account of Judiciary.....	59,765 96
On account of Prosecuting Attorneys.....	19,761 23
On account of Executive.....	22,566 31
On account of State House.....	12,127 72
On account of State Library.....	2,073 21

On account of Public Printing.....	84,826 39	
On account of Indiana Reports.....	3 061 68	
On account of Sheriffs' Mileage.....	9,667 94	
On account of General Fund.....	41,733 87	
On account of Contingent Fund.....	703 09	
On account of Expenses Supreme Court.....	12,679 68	
On account of Telegraphing.....	146 15	
On account of Distribution of Laws.....	900 00	
	<hr/>	343,423 85

OFFICE EXPENSES.

On account of Governor's Office.....	\$2,909 40	
On account of Secretary's Office.....	475 00	
On account of Auditor's Office.....	760 00	
On account of Treasurer's Office.....	600 00	
On account of Superintendent's Office.....	499 99	
On account of Attorney General's Office.....	94 41	
On account of Superintendent's Travelling Expenses.....	750 00	
	<hr/>	\$5,978 80

BENEVOLENT INSTITUTIONS.

On account of Hospital for the Insane.....	\$146,428 13	
On account of Asylum for the Deaf and Dumb.....	61,489 83	
On account of Institute for the Blind.....	34,488 88	
On account of Soldiers' Home.....	42,880 95	
	<hr/>	\$285,287 79

REFORMATORY INSTITUTIONS.

On account of State Prison, North.....	\$66,006 17	
On account of State Prison, South.....	53,375 17	
On account of House of Refuge.....	27,824 20	
On account of Female Prison.....	12,514 69	
	<hr/>	\$159,720 23

EDUCATIONAL INSTITUTIONS.

On account of State Normal School.....	\$916 50	
On account of State University.....	8,000 00	
On account of State Board of Education.....	1,012 20	
On account of Agricultural College.....	1,875 33	
On account of Geological Survey.....	5,000 00	
On account of Agricultural Premiums.....	1,500 00	
	<hr/>	\$18,304 03

PUBLIC INDEBTEDNESS.

On account of State Debt Interest.....	\$13,129 02	
On account of State Debt Sinking Fund.....	65,065 00	
On account of Interest War Loan Bonds.....	4,590 00	
On account of Interest University Bonds.....	3,995 10	
On account of Salary of Agent.....	2,500 00	
On account of Expenses of Agency.....	1,260 00	
On account of Interest on Common School Fund Bonds.....	223,740 96	
	<hr/>	\$314,570 08

MILITARY EXPENDITURES.

On account of Military Fund.....	\$543 09	
On account of Adjutant General's Pay.....	800 00	
On account of Quarter-master General's Pay.....	160 00	
	<hr/>	\$1,403 09

COLLEGE FUND.

On account of Principal.....	\$11,390 23	
On account of Interest.....	374 97	
On account of damages.....	238 49	
On account of costs.....	30 00	
On account of excess of sales.....	1,265 83	
On account of expense.....	978 81	
On account of Professor's salaries.....	10,500 00	
On account of University lands.....	249 56	
		<u>\$25,027 09</u>

COMMON SCHOOL FUND.

On account of School Distribution.....	\$1,519,427 84	
On account of State Normal School.....	10,000 00	
On account of Interest refunded.....	1,514 75	
On account of Tax refunded.....	766 63	
		<u>\$1,531,709 12</u>

GENERAL REVENUE.

On account of revenue of 1870 refunded.....	\$226,974 78	
On account of Delinquent Revenue of 1870 refunded.....	11 65	
		<u>\$226,986 43</u>

MISCELLANEOUS.

On account of Swamp Lands.....	\$12,097 39	
On account of Surplus Revenue Fund.....	700 00	
On account of Estates without Heirs.....	1,600 00	
On account of Specific Appropriations.....	725 00	
On account of Free Banking.....	2,300 00	
On account of Governor's House.....	4,999 92	
On account of Expenses State Debt Sinking Fund.....	1,491 14	
On account of Law Library.....	6,552 55	
On account of Sinking Tax refunded.....	450 09	
		<u>\$30,916 09</u>

Total amount audited from November 1, 1870, to October 31, 1871.....\$2,943,416 90

CONDITION OF THE TREASURY.

Balance on hand November 1, 1870.....	\$364,124 65	
Receipts During the year ending October 31, 1871.....	3,605,639 23	
Total.....		<u>\$3,969,773 88</u>
Total warrants drawn on the Treasury during the year ending October 31, 1871.....		<u>\$2,943,416 90</u>
Balance in the treasury October 31, 1871.....		<u>\$1,026,356 98</u>

TRUST FUNDS.

A STATEMENT of the Receipts and Disbursements on Account of the various Trust Funds.

COLLEGE FUND,

Receipts.

Balance on hand November 1, 1870.....	\$2,023 83	
Principal	8,150 00	
Interest	7,826 01	
Damages.....	365 85	
Costs.....	238 00	
Excess	1,673 59	
University Lands.....	1,659 06	
Overdrawn October 31, 1871.....	3,091 45	
		<u>\$25,027 80</u>

Disbursements.

Principal	\$11,390 23	
Interest.....	374 97	
Damages.....	238 49	
Costs.....	30 00	
Excess of Sales.....	1,265 83	
Expense.....	978 81	
Professor's Salaries.....	10,600 00	
University Lands.....	249 56	
		<u>\$25,027 80</u>

LOAN ACCOUNT.

Outstanding, November 1, 1870.....	\$103,329 53	
Collected during the year.....	8,150 00	
		<u>\$95,179 53</u>
Loaned during the year.....		11,390 23
		<u>\$106,569 76</u>

SALINE FUND.

Receipts.

Balance on hand November 1, 1870.....	\$3,430 06	
Principal.....	300 00	
Interest.....	117 00	
Balance on hand October 31, 1871.....		<u>\$3,847 06</u>

ABSTRACTS FROM THE

LOAN ACCOUNT.

Outstanding November 1, 1870.....	\$2,800 00	
Collected during the year.....	300 00	
Outstanding October 31, 1871.....		\$2,500 00

BANK TAX FUND.

Receipts.

Balance on hand November 1, 1870.....	\$1,320 15	
Interest collected.....	27 79	
Balance on hand October 31, 1871.....		\$1,347 94

LOAN ACCOUNT.

Loans outstanding same as last year.....	\$396 99
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SURPLUS REVENUE FUND.

Receipts.

Balance on hand November 1, 1870.....	\$1,987 02
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Disbursements.

On account of Principal.....	\$700 00
Balance on hand October 31, 1871.....	\$1,287 02

LOAN ACCOUNT.

Loans outstanding same as last year.....	\$1,200 00
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FUND FROM ESTATES WITHOUT HEIRS.

Receipts.

Balance on hand, November 1, 1870.....	\$15,102 42
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Disbursements.

Refunded to appearing heirs.....	\$1,000 00
Balance on hand, October 31, 1871.....	\$13,502 42

THREE PER CENT. FUND.

Balance, same as last year.....	\$32 13
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COMMON SCHOOL REVENUE DERIVED FROM CURRENT TAXES, INTEREST ON TRUST FUNDS, INTEREST ON BONDS, LIQUOR LICENSES, AND UNCLAIMED FEES.

Receipts.

Tax of 1870.....	\$361,615 19
Delinquent tax of 1870.....	91,096 14
Delinquent tax of 1869.....	114,585 48
Interest on bonds.....	232,740 96
School Fund interest.....	124,835 96
Liquor licenses.....	112,950 17
Unclaimed fees.....	389 56
	<hr/>
	\$1,038,452 42

Disbursements.

Distributed to counties.....	\$1,619,427 84	
State Normal School.....	10,000 00	
Interest refunded.....	1,514,75	
Tax refunded.....	766 63	
Overdrawn November 1, 1870.....	71,641 23	
		<u>\$1,603,250 34</u>
Overdrawn October 31, 1871.....		\$73,797 88

STATE DEBT SINKING FUND.

Receipts.

Balance on hand, November 1, 1870.....	\$23,054 26	
Tax of 1870.....	492,039 94	
Delinquent tax of 1870.....	46,106 68	
Delinquent tax of 1869.....	66,562 33	
Interest on stocks.....	6,429 02	
		<u>\$633,192 23</u>

Disbursements.

For the purpose of redeeming bonds and stocks.....	\$65,065 00	
Interest on War Loan Bonds.....	4,590 00	
Expense of Fund.....	1,491 14	
Tax refunded.....	450 00	
		<u>\$71,596 23</u>
Balance October 31, 1871.....		\$661,596 00

SWAMP LAND FUND.

Receipts.

Balance on hand November 1, 1870.....	\$44,894 96	
Received during the year.....	6,498 19	
		<u>\$51,393 15</u>

Disbursements.

Expended during the year.....	\$12,097 39	
Balance on hand October 31, 1871.....		<u>\$39,295 76</u>

GENERAL REMARKS.

There was remaining in the Treasury, October 31, 1871..... \$1,028,356 98

The following balances are due from the General Fund

To the Saline Fund.....	\$3,847 66	
To the Bank Tax Fund.....	1,347 94	
To the Surplus Revenue Fund.....	1,287 02	
To the Fund from Estates without Heirs.....	13,502 42	
To the Three Per Cent. Fund.....	31 13	
To the State Debt Sinking Fund.....	561,598 00	
To the Swamp Land Fund.....	39,295 76	
		<u>\$220,906 83</u>

Showing an excess of..... \$406,448 06

There is due to the General Fund:

From the Common School Fund.....	\$73,797 88	
From the College Fund.....	3,091 45	
		<u>\$76,889 33</u>

Actual excess..... \$482,337 38

The following statement shows the relative position of the General Fund to the various Trust Funds in the Treasury, from October 31, 1858, to October 31, 1871:

	Deficit.	Excess.
October 31, 1858.....	\$552,366 79	
October 31, 1859.....	861,235 01	
October 31, 1860.....	354,528 56	
October 31, 1861.....	637,701 37	
October 31, 1862.....	234,876 62	
October 31, 1863.....	250,009 43	
October 31, 1864.....		<u>\$454,515 91</u>
October 31, 1865.....	477,745 46	
October 31, 1866.....	111,660 83	
October 31, 1867.....	84,349 26	
October 31, 1868.....	263,783 73	
October 31, 1869.....	146,332 30	
October 31, 1870.....	272,289 72	
October 31, 1871.....	482,337 38	

The total valuation of the real and personal property in the State during the last sixteen years, together with the increase or decrease each year, are shown as follows :

	Total.	Increase.	Decrease.
For the year 1856.....	\$279,032,209		
For the year 1857.....	317,032,968	\$38,900,749	
For the year 1858.....	318,201,964	272,006	
For the year 1859.....	435,367,862	117,162,898	
For the year 1860.....	455,011,378	19,643,516	
For the year 1861.....	441,562,339		\$13,499,039
For the year 1862.....	421,406,936		20,155,403
For the year 1863.....	443,455,036	22,048,100	
For the year 1864.....	516,805,999	73,359,963	
For the year 1865.....	567,381,553	50,575,554	
For the year 1866.....	578,484,109	11,102,556	
For the year 1867.....	577,869,079		615,030
For the year 1868.....	587,970,549	10,101,470	
For the year 1869.....	655,521,479	67,550,930	
For the year 1870.....	664,283,178	6,761,699	
For the year 1871.....	653,944,159		8,339,019

Total increase in sixteen years..... \$417,470,441

Total decrease in sixteen years..... 42,568,491

Net increase in sixteen years..... \$374,911,950

Total valuation in 1871 is..... \$653,944,159

Total valuation in 1856 was..... 279,032,209

Increase..... \$374,911,950

Total valuation in 1856..... \$279,032,209

Total valuation in 1846..... 122,365,685

Increase..... \$156,766,523

Total increase in twenty-six years..... \$631,678,473

The unusual decrease of the valuation of 1871, as compared with that of 1870, is owing to the fact that the proceedings, of the State Board of Equalization, by whose action the appraisement of the real estate of nearly one-half of the counties in the State had been increased, were set aside by a decision of the Supreme Court, and consequently such appraisements were reduced to their original valuation, the details whereof are set forth in another part of this report.

TAX LEVIES AND ASSESSMENTS.

The aggregate amounts of taxes levied upon the grand duplicates for each year, for the last sixteen years, have been as follows :

ABSTRACTS FROM THE

Total taxes levied for 1856.....	\$2,865,619 49
Total taxes levied for 1857.....	2,459,335 50
Total taxes levied for 1858.....	No report made
Total taxes levied for 1859.....	3,825,018 21
Total taxes levied for 1860.....	3,768,436 87
Total taxes levied for 1861.....	4,096,943 05
Total taxes levied for 1862.....	3,998,028 07
Total taxes levied for 1863.....	4,930,732 29
Total taxes levied for 1864.....	7,067,366 64
Total taxes levied for 1865.....	13,167,335 22
Total taxes levied for 1866.....	10,167,831 39
Total taxes levied for 1867.....	9,665,736 77
Total taxes levied for 1868.....	10,374 059 13
Total taxes levied for 1869.....	12,256,743 14
Total taxes levied for 1870.....	13,688,761 42
Total taxes levied for 1871.....	12,870,972 38

TREASURY STATEMENTS.

The following statement shows the annual receipts and disbursements of the Treasury during the sixteen years commencing November 1, 1855, and ending October 31, 1871, together with the balance on hand at the close of each fiscal year:

Balance on hand November 1, 1855	\$468,224 15
Receipts during the year ending October 31, 1856.....	1,495,486 99
Total.....	\$1,963,711 14
Expenditures during the year ending October 31, 1856.....	1,338,976 11
Balance on hand November 1, 1856.....	\$624,735 03
Receipts during the year ending October 31, 1857.....	1,774,676 14
Total.....	2,399,410 17
Expenditures during the year ending October 1, 1857.....	1,748,766 69
Balance on hand November 1, 1857.....	\$650,643 48
Receipts during the year ending October 31, 1858.....	844,416 84
Total.....	\$1,495,070 32
Expenditures during the year ending October 31, 1858.....	1,363,728 04
Balance on hand November 1, 1858.....	\$131,342 28
Receipts during the year ending October 31, 1859.....	1,288,446 72
Total.....	\$1,419,788 00
Expenditures during the year ending October 31, 1859.....	1,218,185 64
Balance on hand November 1, 1859.....	\$201,602 36
Receipts during the year ending October 31, 1860.....	1,658,217 88
Total.....	\$1,859,820 24
Expenditures during the year ending October 31, 1860.....	1,621,107 48
Balance on hand November 1, 1860.....	\$238,712 76
Receipts during the year ending October 31, 1861.....	3,672,637 64
Total.....	\$3,911,370 40
Expenditures during the year ending October 31, 1861.....	3,546,224 07
Balance on hand November 1, 1861.....	\$365,146 33

*Seventeen counties estimated.

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Balance on hand Nov. 1, 1861, brought forward.....	\$365,146 33
Receipts during the year ending October 31, 1862.....	3,486,304 55
Total.....	\$3,851,450 88
Expenditures during the year ending October 31, 1862.....	2,974,976 46
Balance on hand November 1, 1862.....	\$876,474 42
Receipts during the year ending October 31, 1863.....	2,232 899 33
Total.....	\$3,109,373 75
Expenditures during the year ending October 31, 1863.....	2,503,246 53
Balance on hand November 1, 1863.....	\$608,127 22
Receipts during the year ending October 31, 1864.....	2,391,291 15
Total.....	\$2,997,418 37
Expenditures during the year ending October 31, 1864.....	1,752,520 79
Balance on hand November 1, 1864.....	\$1,244,888 67
Receipts during the year ending October 31, 1865.....	2,742,989 19
Total.....	\$3,987,877 86
Expenditures during the year ending October 31, 1865.....	3,901,826 62
Balance on hand November 1, 1865.....	\$86,051 34
Receipts during the year ending October 31, 1866.....	3,957,035 23
Total.....	\$4,043,086 57
Expenditures during the year ending October 31, 1866.....	3,601,564 68
Balance on hand November 1, 1866.....	\$381,521 89
Receipts during the year ending October 31, 1867.....	4,310,336 44
Total.....	\$4,591,858 33
Expenditures during the year ending October 31, 1867.....	4,446,605 54
Balance on hand November 1, 1867.....	\$145,252 79
Receipts during the year ending October 31, 1868.....	4,279,687 07
Total.....	\$4,425,039 86
Expenditures during the year ending October 31, 1868.....	3,842,605 92
Balance on hand November 1, 1868.....	\$582,433 94
Receipts during the year ending October 31, 1869.....	4,197,489 21
Total.....	\$4,779,923 15
Expenditures during the year ending October 31, 1869.....	4,473,271 11
Balance on hand November 1, 1869.....	\$306,652 04
Receipts during the year ending October 31, 1870.....	3,589,889 40
Total.....	\$3,896,541 44
Expenditures during the year ending October 31, 1870.....	3,532,406 79
Balance on hand November 1, 1870.....	\$364,134 65
Receipts during the year ending October 31, 1871.....	3,605,639 23
Total.....	\$3,969,773 88
Expenditures during the year ending October 31, 1871.....	2,943,416 99
Balance on hand October 31, 1871.....	\$1,026,356 89

THE STATE DEBT.

The condition of the public debt of the State, at the date of this report, October 31, 1871, is as follows :

FOREIGN DEBT.

Five per cent. certificates of State stock.....	\$48,869 00	
Two and one-half per cent. certificates.....	5,020 13	
War Loan Bonds.....	144,000 00	
Total.....		<u>\$197,890 13</u>

DOMESTIC DEBT.

School Fund non negotiable bonds.....	\$3,666,845 88	
War Loan Bonds (held by School Fund).....	10,000 00	
University Bonds.....	63,685 00	
Total.....		<u>\$3,740,430 88</u>
Entire Foreign Debt.....	\$197,890 12	
Entire Domestic Debt.....	3,740,430 88	
Total Debt of State.....		<u>\$3,937,821 00</u>

The five and two and one-half per cent. certificates ceased to bear interest after the first day of September, 1870, leaving the interest bearing debt as follows :

War Loan Bonds.....	\$144,000 00	
Domestic interest bearing debt.....	3,740,430 88	
Total interest bearing debt of State.....		<u>\$3,884,430 88</u>

All of which is at the rate of six per cent.

Of the \$5,020.13, of two and one-half per cent. certificates, outstanding on the 31st of October, 1870, none have been presented for payment; and of the five per cent. certificates redeemed during the year, it will be seen by the schedule of redemptions that only four certificates, of \$1,000 each, have been presented for payment since March.

The transactions in relation to the State Debt, during the year, are as follows :

FIVE PER CENT. CERTIFICATES OF STOCK.

Outstanding October 31, 1870.....		\$249,219 99
Redeemed during the year by State Debt Board.....	\$142,516 67	
Bought by Auditor for School Fund.....	58,333 33	
		<u>\$200,850 00</u>
Outstanding October 31, 1871.....		\$48,369 90

TWO AND ONE-HALF PER CENT. CERTIFICATES.

Outstanding October 31, 1870.....	\$5,020 13	
Redeemed during the year.....	None.	
Outstanding October 31, 1871.....		<u>\$5,020 13</u>

WAR LOAN BONDS.

Outstanding October 31, 1870.....	\$179,000 00	
Redeemed during the year.....	25,000 00	
Outstanding October 31, 1871.....		<u>\$154,000 00</u>
The entire amount of Foreign Debt outstanding, as here- before stated is.....		<u><u>\$197,390 12</u></u>

The resources of the State, which, without legislation, can only be used in payment of the public debt, are as follows :

State Debt Sinking Fund in State Treasury.....	\$561,596 00
In the hands of the State Agent in New York.....	88,717 90
Total.....	<u><u>\$650,313 90</u></u>

The counties that have not settled at the date of this report and the remaining delinquencies that will be collected will swell this sum to at least \$700,000.

Judging from the past, there is but little probability that any considerable portion of the remnant of the State's indebtedness will be presented for payment during the current year. Hence, it is estimated, that of this fund there will remain in the treasury during the current year, and until disposed of by legislation, (including the \$88,717.90 in New York,) but little less than \$700,000.

INTERNAL IMPROVEMENT BONDS.

No Internal Improvement Bonds have been surrendered during the year; the amount still outstanding is \$191,000

*Five Per Cent. Certificates of State Stock Redeemed during
the Year ending October 31, 1871.*

DATE OF CERTIFICATE.	No.	AMOUNT.	DATE OF REDEMPTION.
March 21, 1856.....	2412	\$2,000 00	November 17, 1870.
March 22, 1856.....	2414	5,000 00	November 17, 1870.
March 22, 1856.....	2415	5,000 00	November 17, 1870.
March 22, 1856.....	2416	5,000 00	November 17, 1870.
March 22, 1856.....	2417	1,500 00	November 17, 1870.
April 17, 1856.....	2453	1,500 00	November 17, 1870.
May 3, 1856.....	2468	1,666 67	November 17, 1870.
January 12, 1858.....	3519	750 00	November 17, 1870.
January 4, 1858.....	3485	4,000 00	November 21, 1870.
June 3, 1847.....	445	10,000 00	December 8, 1870.
May 9, 1853.....	1885	500 00	December 8, 1870.
February 12, 1856.....	2342	5,000 00	December 8, 1870.
July 1, 1868.....	1753	1,600 00	December 19, 1870.
July 1, 1868.....	1754	1,600 00	December 19, 1870.
July 1, 1868.....	1783	2,000 00	December 19, 1870.
May 2, 1849.....	2076	2,500 00	January 6, 1871.
May 28, 1847.....	450	800 00	January 6, 1871.
December 6, 1851.....	1224	2,000 00	January 7, 1871.
May, 1847.....	275	14,000 00	January 18, 1871.
April 20, 1848.....	1402	1,000 00	January 18, 1871.
August 5, 1848.....	1631	1,000 00	January 18, 1871.
January 27, 1849.....	1912	4,000 00	January 18, 1871.
October 16, 1850.....	749	6,000 00	January 21, 1871.
March 5, 1858.....	3619	3,000 00	January 25, 1871.
April 15, 1858.....	3633	1,400 00	January 25, 1871.
November 8, 1855.....	2107	5,000 00	February 1, 1871.
November 8, 1855.....	2108	5,000 00	February 1, 1871.
April 10, 1862.....	790	5,000 00	February 4, 1871.
April 10, 1862.....	788	5,000 00	February 4, 1871.
April 10, 1862.....	789	5,000 00	February 4, 1871.
July 25, 1857.....	3236	6,000 00	February 4, 1871.
May 4, 1859.....	3890	10,500 00	February 4, 1871.
September 17, 1868.....	1797	7,000 00	March 13, 1871.
August 11, 1851.....	1108	500 00	March 28, 1871.
March 16, 1858.....	3612	2,000 00	March 31, 1871.
April 1, 1858.....	3617	5,000 00	March 31, 1871.
July 17, 1856.....	1656	1,000 00	October 13, 1871.
July 17, 1856.....	1667	1,000 00	October 13, 1871.
August 3, 1855.....	1729	1,000 00	October 13, 1871.
August 4, 1855.....	1727	1,000 00	October 13, 1871.
Total.....		\$142,516 67	

*List of War Loan Bonds Redeemed During the Fiscal
Year, Ending October 31, 1871.*

WHEN ISSUED.	No.	Amount.	WHEN REDEEMED.
June 1, 1861.....	556	\$1,000 00	May, 1871.
June 1, 1861.....	1229	1,000 00	May, 1871.
June 1, 1861.....	1433	1,000 00	May, 1871.
June 1, 1861.....	1434	1,000 00	May, 1871.
June 1, 1861.....	1435	1,000 00	May, 1871.
June 1, 1861.....	1436	1,000 00	May, 1871.
June 1, 1861.....	1437	1,000 00	May, 1871.
June 1, 1861.....	1441	1,000 00	May, 1871.
June 1, 1861.....	1442	1,000 00	May, 1871.
June 1, 1861.....	1443	1,000 00	May, 1871.
June 1, 1861.....	1444	1,000 00	May, 1871.
June 1, 1861.....	1445	1,000 00	May, 1871.
June 1, 1861.....	1679	1,000 00	May, 1871.
June 1, 1861.....	1680	1,000 00	May, 1871.
June 1, 1861.....	1681	1,000 00	May, 1871.
June 1, 1861.....	1682	1,000 00	May, 1871.
June 1, 1861.....	1683	1,000 00	May, 1871.
June 1, 1861.....	1224	1,000 00	May, 1871.
June 1, 1861.....	1556	1,000 00	May, 1871.
June 1, 1861.....	1560	1,000 00	May, 1871.
June 1, 1861.....	1846	500 00	May, 1871.
June 1, 1861.....	1847	500 00	May, 1871.
June 1, 1861.....	1849	500 00	May, 1871.
June 1, 1861.....	1850	500 00	May, 1871.
June 1, 1861.....	1438	1,000 00	May, 1871.
June 1, 1861.....	1439	1,000 00	May, 1871.
June 1, 1861.....	1440	1,000 00	May, 1871.
Total.....		\$25,000 00	

SINKING FUND DEPARTMENT.

This fund which has been so frequently confounded with the State Debt Sinking Fund, of which an exhibit has heretofore been submitted, had its origin in an act of the Legislature, approved January 28, 1834, commonly known as the Charter of the old State Bank. In the last annual report of my predecessor, will be found a very interesting and instructive review of the history of this fund, from its origin to the date of such report; to which I respectfully refer for many matters of interest connected with this marvel of a success as a State financial scheme.

The following statement shows the amount of Indiana five per cent. State Stocks, purchased during the year ending October 31st, 1871 :

November 23, 1870, from Auditor of State, at par.....	\$48,333 33
November 26, 1870, from A. Lane, at par.....	10,000 00
Amount on hand at last report.....	119,366 67
	\$177,700 00

For which a non-negotiable bond has been issued, making the the whole amount of bonds and stocks surrendered, and for which non-negotiable bonds have been issued.....	\$1,063,845 88
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The following statement exhibits the condition of the Fund on the 31st of October, 1871 :

MEANS.

Loans and Mortgages.....	\$55,600 58
Loans to State Prison, South.....	12,000 00
Loans to State Officers, Building Fund.....	6,802 32
Indiana War Loan Bonds.....	10,000 00
Indiana University Bonds, 6s.....	6,000 00
Bills Receivable.....	50,900 00
Non-negotiable Bonds of the State.....	3,666,845 88
Cash Distribution.....	348,672 85
Mortgage Loans transferred to counties.....	2,275 80
Cash.....	588,538 73
Total.....	\$4,756,736 16

LIABILITIES.

Mortgages, excess of bids.....	\$2,716 85
Balance in favor of Fund.....	4,754,019 31
Total.....	<u>\$4,756,736 16</u>

ABSTRACTS

FROM THE

AUDITOR'S REPORT

FOR THE YEAR ENDING OCTOBER

31, 1872.

A GENERAL STATEMENT of the Receipts and Disbursements of the Treasury Department during the Fiscal Year commencing November 1, 1871, and ending October 31, 1872.

RECEIPTS.

There was remaining in the Treasury, November 1, 1871..... \$1,026,356 98

During the year ending, October, 1872, the following sums have been received :

REVENUE.

On account of Revenue of 1871.....	\$354,466 61	
On account of Delinquent Revenue of 1871.....	34,481 27	
On account of Delinquent Revenue of 1870.....	103,947 15	
On account of Delinquent Revenue of 1869.....	2,592 60	
	\$495,487 63	

COMMON SCHOOL REVENUE,

On account of Tax of 1871.....	\$931,747 19
On account of Tax of 1870.....	42,449 49
On account of Delinquent Tax of 1871.....	79,547 73
On account of Delinquent Tax of 1870.....	109,680 20
On account of Delinquent Tax of 1869.....	2,785 44
On account of Interest on Bonds.....	223,740 96
On account of School Fund Interest.....	161,175 16
On account of Liquor Licenses.....	115,330 00
On account of Unclaimed Fees.....	719 72
	\$1,607,155 99

STATE DEBT SINKING FUND.

On account of Tax of 1870.....	\$25	_____
On account of Delinquent Tax of 1870.....	65,6	_____
On account of Delinquent Tax of 1869.....	1,728	00
		<u>\$92,487 50</u>

COLLEGE FUND.

On account of Principal.....	\$5,550 00	
On account of Interest.....	8,319 83	
On account of Damages.....	59 65	
On account of Costs.....	22 00	
On account of University Lands.....	884 29	
		<u>\$14,865 77</u>

SALINE FUND.

On account of Principal.....	\$500 00	
On account of Interest.....	83 79	
On account of Sales of Saline Lands.....	635 81	
		<u>\$1,219 60</u>

PUBLIC INSTITUTIONS.

On account of Hospital for the Insane.....	\$14,232 90	
On account of Asylum for the Deaf and Dumb.....	2,320 52	
On account of Institute for the Blind.....	2,940 81	
On account of State Prison, North.....	32,262 74	
On account of State Prison, South.....	67,327 82	
On account of House of Refuge..	2,284 21	
		<u>\$121,299 00</u>

MISCELLANEOUS.

On account of Swamp Lands.....	\$3,122 64	
On account of General Fund.....	1,741 56	
On account of Public Printing.....	4,567 55	
On account of Estates without Heirs.....	4,364 13	
On account of Docket Fees, Circuit Courts.....	7,740 35	
On account of Docket Fees, Supreme Court.....	792 00	
On account of Military Fund.....	295 89	
On account of Bright Lands.....	100 00	
		<u>\$22,784 12</u>

Total receipts from November 1, 1871, to October 31, 1872, including balance on hand November 1, 1871..... \$3,441,626 57

DISBURSEMENTS.

ORDINARY EXPENDITURES.

On account of Judiciary.....	\$60,073 49
On account of Prosecuting Attorneys.....	9,827 70
On account of Executive.....	22,933 33
On account of State House.....	6,030 36
On account of State Library.....	1,183 23
On account of Public Printing.....	20,558 61

ABSTRACTS FROM THE

On account of Indiana Reports	5,954 61	
On account of Sheriff's Mileage.....	8,679 21	
On account of General Fund	17,902 75	
On account of Contingent Fund.....	1,481 39	
On account of Expenses Supreme Court.....	7,804 68	
On account of Telegraphing.....	105 39	
On account of Distribution of Laws.....	746 10	
		<hr/>
		\$172,545 51

OFFICE EXPENSES.

On account of Governor's Office.....	\$2,580 10	
On account of Attorney General's Office.....	405 59	
On account of Superintendents' Travelling Expenses.....	500 00	
		<hr/>
		3,585 69

BENEVOLENT INSTITUTIONS.

On account of Hospital for the Insane.....	\$137,232 90	
On account of Asylum for the Deaf and Dumb.....	66,132 78	
On account of Institute for the Blind.....	35,760 77	
		<hr/>
		277,464 33

REFORMATORY INSTITUTIONS.

On account of State Prison, North.....	\$39,560 74	
On account of State Prison, South.....	72,361 15	
On account of Home of Refuge.....	31,500 00	
On account of Female Prison	240 00	
		<hr/>
		143,670 89

EDUCATIONAL INSTITUTIONS.

On account of State Normal School.....	\$616 90	
On account of State University.....	12,000 00	
On account of State Board of Education.....	926 20	
On account of Agricultural College.....	1,134 83	
On account of Geological Survey	5,000 00	
On account of Agricultural Premiums.....	1,500 00	
		<hr/>
		\$1,177 93

PUBLIC INDEBTEDNESS.

On account of State Debt Sinking Fund.....	\$50,062 50	
On account of Interest War Loan Bonds.....	800 00	
On account of University Bonds.....	63,585 00	
On account of Interest, University Bonds.....	4,391 79	
On account of Salary of Agent.....	2,500 00	
On account of Principal one-quarter per cent. Treasury Notes.....	10 00	
On account of Interest, Common School Fund Bonds.....	222,740 96	
		<hr/>
		\$344,490 25

MILITARY EXPENDITURES.

On account of Military Fund.....	\$289 25	
On account of Adjutant General's Pay.....	300 00	
On account of Quartermaster General's Pay.....	300 00	
		<hr/>
		\$1,300 25

AUDITOR'S REPORT.

COLLEGE FUND.

On account of Principal.....	\$4,982 32	
On account of Interest.....	17 50	
On account of Excess of Sales.....	582 64	
On account of Expense.....	461 44	
On account of Professor's Salaries.....	7,500 00	
On account of University Lands.....	33 00	
		<u>\$13,376 90</u>

COMMON SCHOOL FUND.

On account of School Distribution.....	\$1,631,538 48	
On account of State Normal School.....	10,000-00	
On account of Interest Refunded.....	503 19	
		<u>\$1,642,041 67</u>

GENERAL REVENUE.

On account of Revenue of 1871, refunded.....	\$14,264 31	
On account of Revenue of 1870, refunded.....	11,017 74	
On account of Delinquent Revenue of 1870, refunded.....	282 00	
		<u>\$25,564 05</u>

MISCELLANEOUS.

On account of Swamp Lands.....	\$4,214 58	
On account of Estates without Heirs.....	800 00	
On account of Free Banking.....	2,300 00	
On account of Governor's House.....	1,249 98	
On account of Expenses State Debt Sinking Fund.....	500 00	
On account of Law Library.....	1,610 38	
		<u>\$10,674 94</u>

Total amount audited from November 1, 1871, to October 31, 1872..... \$2,686,601 70

CONDITION OF THE TREASURY.

Balance on hand November 1, 1871.....	\$1,026,356 98	
Receipts during the year ending October 31, 1872.....	2,415,269 59	
Total		<u>\$3,441,626 57</u>
Total warrants drawn on the Treasury during the year ending October 31, 1872.....	2,686,601 70	
Balance in Treasury October 31, 1872.....		<u><u>\$755,024 87</u></u>

TRUST FUNDS.

A STATEMENT of the Receipts and Disbursements on Account of the various Trust Funds.

COLLEGE FUND.

Receipts.

Principal	\$5,550 00	
Interest.....	8,349 83	
Damages.....	59 65	
Costs.....	23 00	
University Lands.....	884 29	
Overdrawn October 31, 1872.....	1,002 58	
		\$16,468 36

Disbursements.

Principal.....	\$4,982 32	
Interest.....	17 50	
Excess.....	382 64	
Expense	461 44	
Professor's Salaries.....	7,500 00	
University Lands.....	33 00	
		\$13,376 90

LOAN ACCOUNT.

Outstanding November 1, 1871.....	\$106,569 75	
Collected during the year.....	8,550 00	
	101,019 75	
Loaned during the year.....	4,982 32	
		\$106,002 07

SALINE FUND.

Receipts.

Balance on hand November 1, 1871.....	\$3,847 66	
Principal	500 00	
Interest	83 79	
Balance on hand October 31, 1872		4,431 45

LOAN ACCOUNT.

Outstanding November 1, 1871.....	\$2,000 00	
Collected during the year.....	500 00	
Outstanding October 31, 1872.....		1,500 00

BANK TAX FUND.

Balance on hand same as last year.....	1,847 94
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LOAN ACCOUNT.

Loans outstanding same as last year.....	396 99
--	--------

SURPLUS REVENUE FUND..

Balance on hand same as last year.....	1,987 02
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LOAN ACCOUNT.

Loans outstanding same as last year.....	1,200 00
--	----------

FUND FROM ESTATES WITHOUT HEIRS.

Receipts.

Balance on hand November 1, 1871.....	\$15,502 42	
Received during the year.....	4,364 13	
		17,866 55

Disbursements..

Refunded to appealing heirs.....	800 00
Balance on hand October 31, 1872.....	\$17,066 55

THREE PER CENT. FUND.

Balance same as last year.....	32 13
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COMMON SCHOOL REVENUE DERIVED FROM CURRENT TAXES, INTEREST ON TRUST FUNDS, INTEREST ON BONDS, LIQUOR LICENSES AND UNCLAIMED FEES.

Receipts.

Tax of 1871.....	\$931,747 19	
Tax of 1870.....	42,449 49	
Delinquent Tax of 1871.....	79,547 73	
Delinquent Tax of 1870.....	109,680 20	
Delinquent Tax of 1869.....	2,765 44	
Interest on Bonds.....	233,740 96	
School Fund Interest.....	161,175 16	
Liquor Licenses.....	115,330 00	
Unclaimed Fees.....	719 72	
		\$1,667,188 89

Disbursements.

Distributed to Counties.....	\$1,631,538 48	
State Normal School.....	10,000 00	
Interest Refunded.....	503 19	
Overdrawn November 1, 1871.....	73,797 88	
Overdrawn October 31, 1862.....		\$7,915,839 56
		48,683 46

ABSTRACTS FROM THE AUDITOR'S REPORT.

STATE DEBT SINKING FUND.

Receipts.

Balance on hand November 1, 1871.....	\$561,596 00	
Tax of 1870.....	25,110 80	-
Delinquent Tax of 1870.....	65,648 38	
Delinquent Tax of 1869.....	1,728 40	
	<hr/>	\$654,083 58

Disbursements.

For the purpose of redeeming Bonds and Stocks.....	\$50,062 50	
Interest on War Loan Bonds.....	300 00	
Expense of Fund.....	500 00	
	<hr/>	50,862 50
Balance October 31, 1872		\$603,221 08

SWAMP LAND FUND.

Receipts.

Balance on hand November 1, 1871.....	\$39,296 76	
Received during the year.....	3,122 64	
	<hr/>	\$42,418 40

Disbursements.

Expended during the year.....	\$4,214 58	
Balance on hand October 31, 1872.....	<hr/>	<hr/> \$38,203 82

GENERAL REMARKS.

There was remaining in the Treasury October 31, 1872..... \$755,024 87

The following balances are due from the General Fund :

To the Saline Fund.....	\$4,431 45	
To the Bank Tax Fund.....	1,847 94	
To the Surplus Revenue Fund.....	1,287 02	
To the Fund from Estates without Heirs.....	17,066 55	
To the Three Per. Cent. Fund.....	32 13	
To the State Debt Sinking Fund.....	603,221 08	
To the Swamp Land Fund.....	38,203 62	
	<hr/>	66,589 98
Showing an excess of.....		<hr/> \$89,434 88

There is due to the General Fund :

From the Common School Fund.....	\$48,683 66	
From the College Fund.....	1,602 68	
	<hr/>	50,286 24
Actual Excess.....		<hr/> <hr/> \$139,721 12

The expenses of the current fiscal year may be estimated as follows :

ORDINARY EXPENSES.

Legislature	\$200,000 00
Judiciary.....	65,000 00
Prosecuting Attorneys.....	10,000 00
Executive.....	25,000 00
Public Printing.....	30,000 00
Fuel and Stationery.....	5,000 00
State House.....	3,000 00
State Library	1,500 00
Sheriff's Mileage.....	10,000 00
Distribution of Laws.....	1,500 00
Expenses of the Supreme Court.....	5,000 00
Indiana Reports.....	5,000 00
Governor's Office.....	4,000 00
Secretary's Office.....	1,000 00

ABSTRACTS FROM THE

Auditor's Office.....	1,500 00	
Treasurer's Office.....	1,000 00	
Superintendent's Office.....	1,000 00	
Attorney General's Office.....	800 00	
Superintendent's Traveling Expenses.....	800 00	
Adjutant General's Pay.....	300 00	
Quartermaster General's Pay.....	800 00	
Contingent Fund.....	5,000 00	
Miscellaneous.....	5,000 00	
Total.....		\$381,800 00

PUBLIC INSTITUTIONS.

Hospital for the Insane.....	\$140,000 00	
Asylum for the Deaf and Dumb.....	70,000 00	
Institution for the Blind.....	35,000 00	
Soldier's Home.....	38,000 00	
House of Refuge.....	40,000 00	
State Prison, North.....	10,000 00	
State Prison, South.....	7,000 00	
State University.....	12,000 00	
Agricultural Premiums.....	1,500 00	
Geological Survey.....	10,000 00	
Total.....		\$388,500 00

PUBLIC INDEBTEDNESS.

Interest on Common School Fund Bonds.....	\$223,740 96	
Interest on War Loan Bonds.....	8,140 00	
Total.....		\$231,880 96
Grand Total.....		\$977,180 96

No estimate is made in the above for the cost of finishing the structure, or other expenses of the Female Reformatory Prison.

The following estimates of the expenditures for the fiscal year ending October 31, 1874, are submitted :

ORDINARY EXPENDITURES.

Judiciary.....	\$65,000 00
Prosecuting Attorneys.....	10,000 00
Executive.....	25,000 00
Public Printing.....	25,000 00
Fuel and Stationery.....	5,000 00
State House.....	3,000 00
State Library.....	1,500 00
Sheriff's Mileage.....	10,000 00
Distribution of Documents.....	1,500 00
Expenses of the Supreme Court.....	5,000 00
Indiana Reports.....	5,000 00
Governor's Office.....	4,000 00
Secretary's Office.....	1,000 00
Auditor's Office.....	1,500 00
Treasurer's Office.....	1,000 00
Superintendent's Office.....	1,000 00
Attorney General's Office.....	800 00
Superintendent's Traveling Expenses.....	800 00
Adjutant General's Pay.....	800 00
Quartermaster General's Pay.....	300 00

Contingent Fund.....	5,000 00	
Miscellaneous.....	5,000 00	
Total		\$10,000 00

PUBLIC INSTITUTIONS.

Hospital for the Insane.....	\$140,000 00	
Asylum for the Deaf and Dumb.....	70,000 00	
Institute for the Blind.....	35,000 00	
Soldiers' Home.....	38,000 00	
House of Refuge.....	40,000 00	
State Prison, North.....	10,000 00	
State Prison, South.....	7,000 00	
State University.....	12,000 00	
Agricultural Premiums.....	1,500 00	
Geological Survey.....	10,000 00	
Total.....		\$363,500 00

PUBLIC INDEBTEDNESS.

Interest on Common School Fund Bonds.....	\$223,740 96	
Interest on War Loan Bonds.....	8,140 00	
Total		\$231,880 96
Grand Total.....		\$777,180 96

The following statement shows the relative position of the General Fund to the various Trust Funds in the Treasury, from October 31, 1858, to October 31, 1872 :

	Deficit.	Excess.
October 31, 1858.....	\$552,366 79	
October 31, 1859.....	861,235 01	
October 31, 1860.....	854,528 56	
October 31, 1861.....	637,701 37	
October 31, 1862.....	234,876 52	
October 31, 1863.....	250,509 42	
October 31, 1864.....		\$424,515 91
October 31, 1865.....	477,749 44	
October 31, 1866.....	111,660 83	
October 31, 1867.....	84,349 26	
October 31, 1868.....		262,883 73
October 31, 1869.....		148,332 30
October 31, 1870.....		272,289 72
October 31, 1871.....		491,337 38
October 31, 1872.....		139,721 12

The total valuation of the real and personal property in the State during the last seventeen years, together with the increase or decrease each year, are shown as follows :

	Total.	Increase.	Decrease.
For the year 1856.....	\$279,032,209		
For the year 1857.....	317,932,958	\$38,900,749	
For the year 1858.....	318,201,964	272,006	
For the year 1859.....	435,367,862	117,165,898	
For the year 1860.....	455,011,378	19,643,516	
For the year 1861.....	441,562,339		\$13,449,039
For the year 1862.....	421,406,986		20,155,403
For the year 1863.....	443,455,036	22,048,100	

	Total.	Increase.	Decrease.
For the year 1864.....	516,806,999	78,359,983	.....
For the year 1865.....	567,381,553	50,575,554	.....
For the year 1866.....	578,484,109	11,102,556	.....
For the year 1867.....	577,869,079	.....	615,030
For the year 1868.....	587,970,549	10,101,470	.....
For the year 1869.....	655,521,479	67,550,930	.....
For the year 1870.....	662,283,178	6,761,699	.....
For the year 1871.....	653,944,159	.....	8,339,019
For the year 1872.....	653,367,451	.....	576,708

TAX LEVIES AND ASSESSMENTS.

The aggregate amounts of taxes levied upon the grand duplicates for each year, for the last seventeen years, have been as follows :

Total taxes levied for 1856.....	\$2,865,619 49
Total taxes levied for 1857.....	2,459,335 50
Total taxes levied for 1858.....	No report made
Total taxes levied for 1859.....	3,825,018 21
Total taxes levied for 1860.....	3,768,426 87
Total taxes levied for 1861.....	4,096,943 05
Total taxes levied for 1862.....	3,998,028 07
Total taxes levied for 1863.....	4,930,732 29
Total taxes levied for 1864.....	7,067,366 64
Total taxes levied for 1865.....	13,167,335 22
Total taxes levied for 1866.....	10,167,834 39
Total taxes levied for 1867 ^a	9,665,736 77
Total taxes levied for 1868.....	10,274 059 13
Total taxes levied for 1869.....	12,256,743 12
Total taxes levied for 1870.....	13,688,761 42
Total taxes levied for 1871.....	12,870,978 38
Total taxes levied for 1872.....	12,494,892 11

TREASURY STATEMENTS.

The following statement shows the annual receipts and disbursements of the Treasury during the seventeen years commencing November 1, 1855, and ending October 31, 1872, together with the balance on hand at the close of each fiscal year :

Balance on hand November 1, 1855.....	\$458,224 15
Receipts during the year ending October 31, 1856.....	1,495,486 99
Total.....	\$1,953,711 14
Expenditures during the year ending October 31, 1856.....	1,338,976 11
Balance on hand November 1, 1856.....	\$624,735 03
Receipts during the year ending October 31, 1857.....	1,774,875 14
Total.....	2,399,410 17
Expenditures during the year ending October 31, 1857.....	1,748,756 69
Balance on hand November 1, 1857.....	\$650,653 48
Receipts during the year ending October 31, 1858.....	844,416 84
Total.....	\$1,495,070 32

^aSeventeen counties estimated.

Total brought forward.....	\$1,495,070 32
Expenditures during the year ending October 31, 1858.....	1,363,728 04
Balance on hand November 1, 1858.....	\$131,342 28
Receipts during the year ending October 31, 1859.....	1,288,445 72
Total.....	\$1,419,788 00
Expenditures during the year ending October 31, 1859.....	1,218,185 64
Balance on hand November 1, 1859.....	\$201,602 36
Receipts during the year ending October 31, 1860.....	1,658,217 88
Total.....	\$1,859,820 24
Expenditures during the year ending October 31, 1860.....	1,621,107 48
Balance on hand November 1, 1860.....	\$238,712 76
Receipts during the year ending October 31, 1861.....	3,672,657 64
Total.....	\$3,911,370 40
Expenditures during the year ending October 31, 1861.....	3,546,224 07
Balance on hand November 1, 1861.....	\$365,146 33
Receipts during the year ending October 31, 1862.....	3,486,304 55
Total.....	\$3,851,450 88
Expenditures during the year ending October 31, 1862.....	2,974,976 46
Balance on hand November 1, 1862.....	\$876,474 42
Receipts during the year ending October 31, 1863.....	2,232,899 38
Total.....	\$3,109,373 75
Expenditures during the year ending October 31, 1863.....	2,503,246 53
Balance on hand November 1, 1863.....	\$606,127 22
Receipts during the year ending October 31, 1864.....	2,391,291 15
Total.....	\$2,997,418 37
Expenditures during the year ending October 31, 1864.....	1,752,520 70
Balance on hand November 1, 1864.....	\$1,244,888 67
Receipts during the year ending October 31, 1865.....	2,742,989 19
Total.....	\$3,987,877 86
Expenditures during the year ending October 31, 1865.....	3,901,826 52
Balance on hand November 1, 1865.....	\$86,051 34
Receipts during the year ending October 31, 1866.....	3,957,035 23
Total.....	\$4,043,086 57
Expenditures during the year ending October 31, 1866.....	3,661,564 68
Balance on hand November 1, 1866.....	\$381,521 89
Receipts during the year ending October 31, 1867.....	4,210,336 44
Total.....	\$4,591,858 33
Expenditures during the year ending October 31, 1867.....	4,446,505 54
Balance on hand November 1, 1867.....	\$145,352 79
Receipts during the year ending October 31, 1868.....	4,279,687 07
Total.....	\$4,425,039 86
Expenditures during the year ending October 31, 1868.....	3,842,605 92
Balance on hand November 1, 1868.....	\$582,433 94

ABSTRACTS FROM THE

Balance on hand November 1, 1868, brought forward	\$582,433 94
Receipts during the year ending October 31, 1869.....	4,197,480 21
Total.....	\$4,779,923 15
Expenditures during the year ending October 31, 1869.....	4,473,271 11
Balance on hand November 1, 1869.....	\$306,652 04
Receipts during the year ending October 31, 1870.....	3,589,889 40
Total	\$3,896,541 44
Expenditures during the year ending October 31, 1870.....	3,532,406 79
Balance on hand November 1, 1870	\$364,134 65
Receipts during the year ending October 31, 1871.....	3,605,639 23
Total	\$3,969,773 88
Expenditures during the year ending October 31, 1871.....	2,943,416 99
Balance on hand October 31, 1871.....	\$1,026,356 88
Receipts during the year ending October 31, 1872.....	2,415,269 59
Total.....	\$3,441,626 47
Expenditures during the year ending October 31, 1872	2,686,001 70
Balance on hand November 1, 1872.....	\$755,624 77

Recapitulation of Monthly Receipts and Expenditures.

RECEIPTS.	Amount.	EXPENDITURES.	Amount.
November, 1871.....	\$102,216 73	November, 1871.....	\$107,550 35
December, 1871.....	25,809 70	December, 1871.....	59,463 92
January, 1872.....	54,599 32	January, 1872.....	103,243 04
February, 1872.....	10,645 86	February, 1872.....	84,120 05
March, 1872.....	42,575 33	March, 1872.....	73,750 16
April, 1872.....	72,033 61	April, 1872.....	68,990 65
May, 1872.....	223,981 89	May, 1872.....	271,743 40
June, 1872.....	1,058,316 06	June, 1872.....	926,706 59
July, 1872.....	444,000 33	July, 1872.....	395,260 40
August, 1872.....	19,827 92	August, 1872.....	93,724 50
September, 1872.....	2,147 40	September, 1872.....	33,592 98
October, 1872.....	359,105 94	October, 1872.....	468,155 66
Balance in Treasury, October 31, 1871.....	\$2,415,289 59	Balance in Treasury October 31, 1872.....	\$2,698,601 70
	1,026,356 98		755,024 87
	\$3,141,626 57		\$3,441,626 57

SINKING FUND.

The following statement exhibits the condition of the Fund on the 31st of October, 1872 :

MEANS.

Loans and Mortgages	\$21,024 53
Loans to State Prison, South.....	12,000 00
Loans to State Officers' Building Fund.....	6,802 32
Loans to Blind Asylum.....	6,000 00
Bills Receivable.....	50,000 00
Non-negotiable Bonds of the State.....	3,666,845 38
Distributed to the counties under act of March 5th, 1859...	350,948 65
Distributed to the counties under act of February 24th, 1871.....	636,207 66
Cash.....	6,783 59
Total.....	\$4,756,612 13

LIABILITIES.

Mortgages, excess of bids.....	\$2,848 37
Balance in favor of Fund.....	4,763,763 76
Total.....	\$4,756,612 13
Of this fund there is invested in the non-negotiable bonds of the State..	
Distributed to counties.....	987,156 31

Of the remainder, the State owes the fund as follows :

To loan on account of State Prison, South.....	\$12,000 00
To interest thereon from April 12th, 1870 to February 1st, 1873.....	1,901 59
To Loan on account of State Officers' Building Fund.....	6,802 32
To interest thereon from November 20th, 1869, to February 1st, 1873.....	1,208 76
To Loan on Account of Blind Asylum.....	6,000 00
To interest due thereon from July 12th, 1854, to February 1st, 1873.....	7,719 06
Total owing and due from the State.....	\$35,631 73

THE STATE DEBT.

The condition of the public debt of the State, at the date of this report, October 31, 1872, is as follows :

FOREIGN DEBT.

Five per cent. certificates of State stock.....	\$32,869 99	
Two and one-half per cent. certificates of State Stock.....	5,020 13	
War Loan Bonds	139,000 00	
Total.....		<u>\$176,890 12</u>

DOMESTIC DEBT.

The domestic debt of the State has been reduced during the year, to one item, namely :

School Fund, non-negotiable bonds.....	\$3,729,016 15
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These bonds are four in number, and are as follows :

No. 1. January 1, 1867.....	\$709,024 85	
No. 2. January 20, 1867.....	2,658,067 30	
No. 3. May 1, 1868.....	184,234 00	
No. 4. January 20, 1871.....	177,700 00	
Total.....		<u>\$3,729,016 15</u>
Entire Foreign Debt.....	\$176,890 12	
Entire Domestic Debt.....	3,729,016 15	
Total bonded debt of the State.....		<u>\$3,905,906 27</u>

The five and two and one-half per cent. certificates ceased to bear interest after the first day of September, 1870, leaving the interest bearing debt of the State as follows :

War Loan Bonds.....	\$139,000 00	
School Fund Bonds.....	3,729,016 15	
Total interest bearing debt of the State.....		<u>\$3,868,016 15</u>

All of which is at the rate of six per cent. Of the \$5,-020.13 of two and one-half per cent. certificates, outstand-

ing on the 31st of October, 1871, none have since been presented for payment.

The transactions in relation to the State debt, during the past year are as follows :

Five per cent. certificates of stock outstanding October 31,		
1871.....	\$48,369 00	
Redeemed during the year by State Debt Board.....	15,500 00	
Outstanding October 31, 1872.....		\$32,869 00

Two and one-half per cent. certificates, no transactions.

Outstanding October 31, 1872, same as last year.....		\$5,020 13
War Loan Bonds outstanding October 31, 1871.....		\$154,000 00
Redeemed during the year, of bonds held by the Sinking Fund.....	\$10,000 00	
Other Bonds.....	\$5,000 00	
Total		\$15,000 00
Outstanding October 31, 1872.....		\$139,000 00

The entire amount of Foreign Debt outstanding, as heretofore stated, is \$176,890.12.

The resources of the State, applicable only to the payment of the public debt, are as follows :

In State Treasury.....	\$603,321 08	
In the hands of the State Agent, New York.....	99,480 40	
Total.....		\$702,801 48

Condensed Classified Statement of the Amount of Interest paid by the State since the year. 1846.

DATE.	State Debt.	University Bonds.	War Loan Bonds.	Military Bonds.	Common School Bonds.	Sinking Fund Bond, 1859.	Sinking Fund Bond, 1853.	Sinking Fund for State Office Building.	Total.
In the year 1847	\$78,600 00								\$78,600 00
In the year 1848	183,730 00								183,730 00
In the year 1849	183,344 00								183,344 00
In the year 1850	183,695 00								183,695 00
In the year 1851	203,718 00								203,718 00
In the year 1852	199,784 00								199,784 00
In the year 1853	249,127 76								249,127 76
In the year 1854	398,256 53								398,256 53
In the year 1855	306,699 14	1,937 55							308,636 69
In the year 1856	316,074 84	3,935 10							320,009 94
In the year 1857	318,027 74	4,085 10							322,112 84
In the year 1858	317,093 63	3,935 10							321,028 73
In the year 1859	311,679 14	3,815 10							315,494 24
In the year 1860	309,648 09	4,205 10							313,853 19
In the year 1861	176,897 83	3,845 10							180,742 93
In the year 1862	330,000 00	3,995 10							333,995 10
In the year 1863	330,000 00	1,907 55	\$237,631 45	\$110,335 00		\$508,573 13	71,263 18		680,316 05
In the year 1864	5,400 00			36,000 00		71,263 18	71,263 18		603,609 73
In the year 1865	794,682 55	8,101 20		86,480 00		71,263 18	71,263 18		933,787 23
In the year 1866	332,556 50	6,231 55	52,946 09						391,734 14
In the year 1867	299,491 40	3,965 10	33,740 12						337,196 62
In the year 1868	903,371 74	3,965 10	6,340 00						913,676 84
In the year 1869	162,117 60	3,635 10	18,640 00						184,392 70
In the year 1870	115,878 81	3,815 10	11,620 00						131,313 91
In the year 1871	13,439 03	3,995 10	4,090 00						21,524 13
In the year 1872		4,391 79	10,280 00						14,671 79
Total.	\$6,094,900 09	\$69,381 14	\$376,007 96	\$236,775 00	\$1,277,689 70	\$940,292 94	\$99,110 00	\$4,386 23	\$9,097,332 75

Five Per Cent. Certificates of State Stock Redeemed during the year ending October 31, 1872.

DATE OF CERTIFICATE.	No.	Amount.	DATE OF REDEMPTION.
July 26, 1860.....	660	\$3,000 00	December 7, 1871.
March 22, 1861.....	955	2,000 00	December 7, 1871.
November 29, 1861.....	1231	2,000 00	December 7, 1871.
December 2, 1863.....	2035	5,000 00	January 2, 1872.
March 11, 1862.....	1313	1,000 00	September 6, 1872.
November 8, 1861.....	1205	1,000 00	October 17, 1872.
November 10, 1861.....	1207	500 00	October 17, 1872.
January 6, 1862.....	1238	1,000 00	October 17, 1872.
		\$15,500 00	

*War Loan Bonds Redeemed During the Fiscal Year,
Ending October 31, 1872.*

WHEN ISSUED.	No.	AMOUNT.	WHEN REDEEMED.
June 1, 1861.....	1446	\$1,000 00	May, 23, 1872.
June 1, 1861.....	1447	1,000 00	May, 23, 1872.
June 1, 1861.....	1448	1,000 00	May, 23, 1872.
June 1, 1861.....	1449	1,000 00	May, 23, 1872.
June 1, 1861.....	1450	1,000 00	May, 23, 1872.
June 1, 1861.....	1451	1,000 00	May, 23, 1872.
June 1, 1861.....	1452	1,000 00	May, 22, 1872.
June 1, 1861.....	1453	1,000 00	May, 23, 1872.
June 1, 1861.....	1454	1,000 00	May, 23, 1872.
June 1, 1861.....	1455	1,000 00	May, 23, 1872.
June 1, 1861.....	598	1,000 00	September 23, 1872.
June 1, 1861.....	599	1,000 00	September 23, 1872.
June 1, 1861.....	600	1,000 00	September 23, 1872.
June 1, 1861.....	1841	500 00	September 23, 1872.
June 1, 1861.....	1842	500 00	September 23, 1872.
June 1, 1861.....	1843	500 00	September 23, 1872.
June 1, 1861.....	1844	500 00	September 23, 1872.
		<u>\$15,000 00</u>	

TABULAR STATEMENT of the Amount of Docket Fees paid into the State Treasury by each of the several Counties of the State since the passage of the Act of March 5, 1859, showing the amount paid each year by the several Counties, and the total amount paid from the passage of the act to the close of the present fiscal year.

COUNTIES.	1861.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	Total.
Adams.....		\$8 00			\$3 00	\$10 00	\$10 00	\$6 00	\$5 00		\$24 00	\$68 00	\$134 00
Allen.....	\$43 00		\$78 00	\$61 00							502 00		604 00
Bartholomew.....	74 80	63 00	120 00	83 00	88 00	125 00	39 00	46 00	65 00	\$57 00	25 00	54 00	839 80
Benton.....	31 50	31 50		2 00	2 00	6 00	5 40	11 00	38 00	43 00		204 00	343 90
Blackford.....			4 00	2 00			15 00		7 00		7 00		60 00
Boone.....	47 75	17 00	73 13	40 00	48 00			75 00	108 28			69 00	508 96
Brown.....		4 00	6 00	16 00	10 00	6 00	16 00	16 00	12 00	3 00	7 00		132 00
Carroll.....	133 00												132 00
Cass.....	14 00	14 00	48 00	21 00	53 00	13 00	18 00	40 00	18 00			194 00	396 00
Clarke.....	46 00	29 00	54 00	62 00	46 00	52 00	41 00	59 00	73 00	16 00	33 00	85 00	837 00
Clay.....	2 00				41 50			25 00		13 00	40 00	90 00	644 00
Clinton.....	18 00	10 00	32 00	47 50	43 50	27 00	46 00	22 00	24 00	10 00	13 00	43 00	136 50
Crawford.....		3 00	14 00	8 00	4 00		22 00	15 00	50 00	46 50	25 00		173 50
Daviess.....	28 50	18 00	33 00	28 00	38 50		38 00	42 00	60 00	51 00	103 00	164 00	636 50
Dearborn.....	50 00	27 00	67 00	39 00		33 00		28 00	250 00	45 90		85 00	697 00
Decatur.....		33 00	37 00	183 00						5 00	24 00	4 00	286 00
DeKalb.....		64 10		51 00				97 00			43 00		244 10
Delaware.....	44 00	31 00	43 00	55 00	33 00	16 85	25 00	71 00	22 00	51 00		166 00	547 85
Elkhart.....		17 55	17 00	4 00	15 00	17 00	30 00		34 00	2 00	31 00	109 00	290 75
Fayette.....			23 00	3 00	3 00		7 00		21 00	9 00	87 00	496 00	691 00
Floyd.....	27 00	10 00	7 00	30 00	37 00	33 00	37 00	34 00	50 00	26 00	28 00	71 50	388 50
Fountain.....		118 72	110 00	97 00	48 90	30 78	47 00	60 00	64 00	63 00		123 00	814 20
Franklin.....				97 00	52 00	42 00						51 00	242 00
Fulton.....		25 00	68 00	6 00		83 09	35 00	125 00	72 00	28 00	30 00	76 00	560 00
Gibson.....	36 00	11 00	14 00	9 00		2 00		32 00	12 50	6 00	8 00	25 00	190 50
		20 00		37 00	44 00		62 00	104 50		102 00	155 00	202 00	722 50

TABULAR STATEMENT OF DOCKET FEES.—Continued.

COUNTIES.	1861.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	Total.
Grant.....	\$31 00	\$24 00	10 75	18 00					\$178 10	\$210 77		\$348 60	\$792 47
Greene.....	57 00	8 33		50 00	29 00	44 00	10 00	10 00	122 00			60 00	276 06
Hamilton.....		50 00	37 00		29 00	6 00	56 25			52 00			193 00
Hancock.....	58 00	21 00	14 00	2 00	29 00								37 00
Henricks.....		58 00	26 00	32 00	39 00	39 00	60 00	34 00	51 00	71 00		132 00	238 25
Henry.....	31 00		40 00	42 00	36 00	50 00	42 00	34 00	75 00				84 00
Howard.....	129 00	35 00	78 00	13 00				29 00	43 00	74 75	\$20 00		662 00
Huntington.....	13 00			43 00	19 00	28 00	32 00	29 00	23 50	19 00	17 00	51 00	120 75
Jasper.....	8 50	42 00	60 00		4 00	9 00	11 00	28 50	23 50	15 00	23 00	77 00	385 00
Jay.....	12 00	6 00	11 00					52 00			30 00	6 00	209 00
Jefferson.....			44 00		122 00	67 00							117 00
Jennings.....	5 00						43 00					12 00	245 00
Johnson.....	50 00	42 00	35 00	33 00	21 00	10 00	7 00	27 50	13 00	42 00	45 00	83 50	186 50
Knox.....		35 00	52 00	85 00	48 00	99 00	71 00	29 00	27 00	64 00	61 00	98 00	369 50
Kosciusko.....	52 08	50 42	87 00	90 30	46 00	60 45		74 99	53 57	91 28	115 47	106 00	616 00
Lagrange.....		19 50	14 00	9 00	10 00			6 00		27 00	16 00	53 00	789 84
Lake.....								14 00	9 00	4 00		27 00	164 50
Laporte.....	80 00					21 00				211 00	101 17	40 00	54 00
Lawrence.....	32 00		42 00	30 00	28 00							643 33	463 17
Madison.....	30 00					19 55	26 00	67 00	30 00			26 00	775 33
Marion.....	72 00	33 00				613 00	175 00		103 00	812 50	480 00	312 35	198 55
Marshall.....	20 00	8 00	28 00	15 00		35 00	37 00	88 00	112 00	103 06	188 86	173 00	2,600 85
Martin.....	28 00	21 00	22 00	32 80	11 00	13 00			44 00	94 00	62 00	327 80	807 86
Miami.....	17 00	16 00		54 00		47 00	30 00	44 00	38 00	76 00	41 00	1 50	354 50
Monroe.....	34 00	12 00	35 00	20 00	22 00	10 00	31 00	112 00	66 00	48 00	27 50	191 92	609 42
Montgomery.....				85 50	81 00	33 00	56 00	35 00				4 00	296 50
Morgan.....		27 00	55 00	25 00	124 00	28 00			30 00	65 00	39 00	125 00	608 00
Morgan.....			16 00	26 00	19 00	26 00	27 00	41 00	11 00	9 00	9 00		187 00
Noble.....		10 00		4 00				13 00		20 00	10 00	21 00	135 00
Ohio.....			16 00										136 00

TABULAR STATEMENT OF DOCKET FEES.—Continued.

COUNTIES.	1861.	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	Total.
Orange.....	\$17 00		\$22 00	\$17 00	\$24 00	\$144 23	\$49 00	\$27 00	\$19 00	\$15 00	\$24 00	\$14 00	\$201 00
Owen.....	25 00		22 00	30 00			104 00	20 00	28 00		27 00	123 00	293 00
Parke.....	3 00	\$14 00	125 00		16 00	37 00		66 00	107 00	67 00	41 00	123 00	630 00
Percy.....	11 00	29 00	31 00	62 50	14 00	27 00	61 00	60 00		92 00	61 00	65 00	630 00
Pike.....	27 00					61 00	20 00	31 00			78 00	24 00	945 90
Porter.....	36 50	68 00	62 00	26 00		99 00	52 00			84 00		2 00	418 50
Posey.....	72 15	58 50	64 06	50 00	79 00	13 00	38 00	27 00	11 00			187 00	669 65
Pulaski.....		9 00	4 00				50 00					28 00	89 00
Putnam.....	150 00		66 00	86 00				48 00	53 50			49 00	442 50
Randolph.....		30 00	76 00	29 00	37 00	69 00	47 55	37 00	77 90	49 59	21 75	95 50	570 29
Ripley.....	55 00	44 00	59 00									67 80	225 80
Rush.....	31 00		88 00	135 50			32 00		46 00	136 00	113 00	77 00	658 50
Scott.....	21 00	17 00	24 00	32 00	16 00	3 00		118 00		121 00	107 00	241 00	709 00
Shelby.....	23 00	23 00	88 00	58 00	35 00	57 00	11 00		314 50	26 00	37 00	119 00	726 50
Spencer.....	11 00	20 00	60 00			10 00						47 00	111 00
Stark.....	3 00					75 00	19 00	8 00	28 00	32 00	154 00	94 00	611 00
St. Joseph.....	23 00	27 00	25 00	29 00	127 00	13 00	19 00		17 00	9 00		32 00	256 00
Steuben.....	23 00	18 00	57 06	15 00	63 00	43 00	16 00	36 00	58 00	62 80		103 00	287 65
Switzerland.....			7 00	236 00	35 00								359 80
Sullivan.....			255 00	12 00	8 00	10 85		4 00				634 47	1,175 47
Tipton.....	35 00	35 00	25 00				7 00					19 00	120 85
Union.....	10 00	340 00	17 00									1 00	28 00
Vanderburg.....	80 00			102 00	74 00		50 00		266 00	409 00		103 00	1,424 00
Vermillion.....		4 00			11 00	8 00	8 00	21 00	13 50				64 50
Vigo.....												100 00	100 00
Wabash.....		8 00						189 00	39 00	58 24		116 50	454 74
Warren.....	9 00			58 00			280 00		55 00	38 00	41 00	143 00	651 00
Warrick.....	43 00	27 00	101 00	39 00	43 00	16 00	38 00	100 00	58 50	52 00	54 00	187 00	758 50
Washington.....								69 00	98 00			147 00	392 00
Wayne.....	63 00	64 85	148 72	165 75	29 25	70 00	36 00	61 00	106 00	17 00		445 50	1,256 07
Wells.....	6 00	9 00	7 00		7 00	8 00	6 00	3 00	14 00				60 00
White.....	31 00	13 00	40 00	28 00		25 00		28 00				47 00	210 00
Whitley.....		13 00	9 00	9 00		34 50						98 00	163 50
Total.....	\$194 98	\$2,069 54	\$3,039 78	\$2,914 06	\$1,960 75	\$2,616 22	\$2,181 20	\$2,693 49	\$3,275 07	\$4,185 86	\$3,281 75	\$8,923 65	\$39,009 34

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L A W S

OF THE

STATE OF INDIANA,

PASSED AT

THE FORTY-NINTH REGULAR SESSION

OF THE

GENERAL ASSEMBLY,

BEGUN ON THE SEVENTH DAY OF JANUARY, A. D. 1875.

BY AUTHORITY.

INDIANAPOLIS:
SENTINEL COMPANY, PRINTERS.
1875.

L A W S.

CHAPTER I.

AN ACT appropriating one hundred and twenty-five thousand dollars to defray the expenses of the forty-ninth regular session of the General Assembly of the State of Indiana.

[APPROVED JANUARY 14, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of one hundred and twenty-five thousand dollars be and the same is hereby appropriated to defray the expenses of the present General Assembly, *provided*, that if any part of the money thus appropriated shall remain after the expenses of the present Assembly are paid, the amount, so remaining, shall at once revert to the General Fund of the State.

\$125,000 appropriated for Legislative purposes.

SEC. 2. That it shall be the duty of the Auditor of State to audit the account and issue his warrants upon the Treasurer of State, for the per diem and mileage of Senators and Representatives as may be allowed by law, and also such allowances as may be provided by either House or Senate by resolution, upon the certificate, in case of Senators, of the President of the Senate, and in case of Representatives, upon the certificate of the Speaker of the House, setting forth the time served, the amount of mileage and allowance to which such Senator or Representative may be entitled.

Per diem and mileage of Senators and Representatives how audited and paid.

SEC. 3. That it shall be the duty of the Auditor to audit the accounts and issue his warrants upon the Treasurer of State for the per diem of officers of the Senate and House of Representatives, their assistants and employees, including clerks and other assistants to committees, and all other clerks or employees that may be appointed or employed by either House, at such compensation as may be allowed by law.

Per diem of officers, clerks, &c., of Senate and House of Representatives how audited and paid.

SEC. 4. An emergency is hereby declared to exist for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage.

Emergency.

CHAPTER II.

AN ACT defining the duties of County and Township Assessors and County and State Boards of Equalization in certain cases, and prescribing the manner of determining the value of property of incorporated manufacturing and mining, and other incorporated companies, for taxation, and declaring an emergency.

[APPROVED MARCH 10, 1875.]

Property of corporations shall not be valued higher for taxable purposes than property of individuals or firms.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That County and Township Assessors and County and State Boards of Equalization, in assessing the property of incorporated manufacturing and mining, and other incorporated companies, organized under the laws of this State, for taxation, shall not affix thereto or return the same at any greater value than such property would be if it was the property of private individuals or firms.

Emergency.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

CHAPTER III.

AN ACT declaring agreements to pay attorneys' fees contained in any bill of exchange, acceptance, draft, promissory note, or other written evidence of indebtedness, illegal and void, and declaring an emergency.

[APPROVED MARCH 10, 1875.]

Attorneys' fee, agreement to pay, in certain cases, void.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any and all agreements to pay attorney fees, depending upon any condition therein set forth, and made part of any bill of exchange, acceptance, draft, promissory note, or other written evidence of indebtedness, are hereby declared illegal and void; *Provided*, That nothing in this section shall be construed as applying to contracts made previous to the taking effect of this act.

Proviso.

Emergency.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

CHAPTER IV.

AN ACT to prevent the Trustees of any of the institutions therein named, from borrowing money, or contracting any indebtedness, or making expenditures, in the name of the State, in behalf of any such institutions, except by authority of law, as therein provided, and providing penalties for the violation thereof.

[APPROVED MARCH 10, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be unlawful for the Board of Trustees of any benevolent, scientific, reformatory or educational institutions of the State to borrow money upon the credit of the State, or to contract any indebtedness on the credit of the State, or to make expenditures for improvements for said institutions in any way, unless the said loans or expenditure of money, are first authorized by an act of the General Assembly for such purposes.

Board of Trustees of Benevolent and other Institutions shall not contract debts, &c., unless authorized by law.

SEC. 2. Any Trustee or Trustees, of any such institutions, who shall violate the provisions of the foregoing section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five hundred dollars, and shall forfeit his office upon conviction, which forfeiture shall be part of the judgment of this [the] court.

Penalty for violation of provisions of this act.

CHAPTER V.

AN ACT to authorize the organization of Boards of Trade and other commercial organizations; defining their powers, prescribing their duties, providing a penalty of forfeiture for violation of the provisions of this act; making provisions for matters properly belonging to this act, and declaring an emergency.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any number of persons, not less than ten, may voluntarily associate themselves by written articles, to be signed and acknowledged by them before some disinterested person authorized by law to take acknowledgement of deeds, specifying therein the objects of the

Articles of association.

organization, the corporate name they may adopt, the amount of capital stock and numbers of shares into which the same shall be divided, the names and number of the officers to be elected to manage the business and prudential concerns of such association, the manner of their election, the name and place of residence of each member or stockholder, and, (if a stock capital is subscribed), the amount and number of shares subscribed by each.

Basis upon which associations may be formed.

SEC. 2. That such association may be formed either on the basis of capital stock, or by requiring annual membership fees, for the purpose of maintaining Boards of Trade, Commercial or Real Estate Exchanges, Chambers of Commerce, or other commercial organizations, under such name as the incorporation may see proper to adopt.

Where articles of association shall be filed and recorded.

SEC. 3. Every such association shall file their articles of incorporation in the Recorder's office of the county in which such association may be formed, and upon the expense of filing and recording being paid, the Recorder shall record the same in the miscellaneous book of records in his office, and such records or a certified copy thereof, as against the subscribers of such articles of incorporation, shall be conclusive evidence of the matters and things therein recited; such articles may be amended from time to time in such manner as may be prescribed in the original articles of association, and amendments so made shall go into effect when filed and recorded in the Recorder's office of such county; *Provided, however*, that no such amendments shall be allowed or made which shall change the objects of any such association as defined in the original articles of association, nor add another and different object than those originally specified as herein required.

Record of articles of association, or certified copy thereof shall be evidence. Amendments of Articles of association.

Proviso.

When such association shall be deemed incorporation and rights, powers and privileges of.

SEC. 4. Every such association shall, from the time such articles are filed in the proper Recorder's office, be deemed and held to be a corporation and shall have and possess all the rights, powers and privileges given to corporations by common law, to sue and be sued, to rent, lease, purchase, hold and convey such real and personal property as may be necessary and proper for the purpose of erecting and maintaining buildings thereon, and to carry out the objects of any such corporation; *Provided, however*, that the whole amount in value of all the real and personal property owned by any such association, at any one time, shall not exceed the sum of five hundred thousand dollars. "

Value of property of association shall not exceed \$500,000 at any one time.

Shares of corporate property

SEC. 5. Every such corporation may, at its discretion, divide its corporate property into shares and designate the manner in which the same may be held, sold, conveyed or transferred.

SEC. 6. Every such corporation shall, in the manner specified in its articles of incorporation, elect such officers, directors and agents as may be necessary to carry into operation the objects of its organization. It may adopt and prescribe rules and by-laws for the government of its officers, directors, agents and members, and shall keep a record of its proceedings, and books in which shall be kept correct accounts of all receipts and expenditures of such corporation, and semi-annually a balance sheet containing a full, true and complete account of all such receipts and expenditures, shall be made out, signed by the President, attested by the Clerk or Secretary and recorded in a book to be kept for that purpose, and such book, and all other books in which the accounts of such corporation may be kept, shall be, during business hours, open to the examination and inspection of the members thereof, and shall keep a corporate seal, and such records or copies thereof, duly signed by the President, and attested by the Secretary or Clerk under its corporate seal, and verified by the affidavit of such President or Clerk thereto annexed, may be given and read in evidence in any court when the interests of such corporation are concerned.

Officers and agents of company.

Rules and By-Laws.

Record and books shall be kept.

Semi-annual balance sheets shall be made out and recorded, books shall be open to inspection.

Seal.

Records or certified copies thereof shall be evidence.

SEC. 7. Every such corporation may adopt rules, by-laws, and regulations relating to the arbitration and settlement of business controversies and misunderstanding between its members, and may appoint annually, or oftener, committees to whom such disputes may be referred for settlement, and all arbitration and settlements thus made, and the awards of such committees shall be final and binding upon the parties only who may have signed a written agreement to abide by such awards, and such corporation may expel any of its members for violations of its regulations, or for dishonorable transactions in business.

Rules and By-Laws relating to arbitration of business controversies and settlement thereof.

Expelling of members.

SEC. 8. That any wilful violation of any of the provisions of this act, by any association or corporation organized under or by virtue of this act, shall forfeit all rights of such corporation or association acquired thereunder, and it may be proceeded against by information as, by law, in other cases provided.

Forfeiture of rights of association.

Proceedings against association by information.

SEC. 9. That the provisions of this act shall not authorize the organization of any banking, insurance, telegraph, mining, manufacturing, warehouse or transportation company.

Organization of banking and other companies not authorized by this act.

SEC. 10. That any and all associations or corporations organized under or having existence by virtue of this act, shall remain subject to the control of the General Assembly of the State of Indiana, and may be, by an act or law thereof,

Associations shall remain under control of General Assembly.

Association may be required to report to Genl. Assembly. Genl. Assembly may repeal this act and compel dissolution of association and settlement, &c.

required and compelled to make a report of all its proceedings to any General Assembly of this State, and any General Assembly of this State may by law repeal this act, and require and compel the dissolution and settling up of all corporations or associations organized under this act within any period, not less than three years after the passage of such repealing act.

Emergency.

SEC. 11. That whereas there is now no law in force in this State authorizing the organization of Boards of Trade, it is therefore declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force and take effect from and after its passage.

CHAPTER VI.

AN ACT to ascertain the location of the boundary line between the State of Indiana and Kentucky above and near Evansville, and making the same evidence in any dispute, and declaring an emergency.

[APPROVED FEBRUARY 27, 1875.]

Preamble.

WHEREAS, Difficulty and dispute have arisen between the owners of land in Indiana and Kentucky, in regard to the boundary line between said States, and said difficulty involves the title to large tracts of land above, near the line between Green River Island and the State of Indiana:

Governor to select commissioner to survey State line between certain portions of Indiana and Kentucky.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor be and is hereby empowered and directed to select a Commissioner, who shall be a resident of the State of Indiana and a practical surveyor, who shall act with a similar Commissioner to be appointed by the Governor of the State of Kentucky, and the two Commissioners, so selected, shall make a survey of the line dividing said States, beginning at the head of the said Green River Island, near and opposite to the mouth of Green river, and running thence down the Ohio river to the lower end of said island.

Commissioners shall be governed by original surveys and mark proper monuments along said line.

SEC. 2. In running said line, the said Commissioners shall consult and be governed by the surveys originally made by the Government of the United States, when such surveys are not inconsistent with each other, and they shall establish and mark proper monuments along said line, whereby the same may be plainly indicated and perpetuated.

SEC. 3. Within ten days after making such survey and establishing said line, said Commissioners shall reduce the same to writing, giving a full and plain description of all the courses and distances, and of the marks and monuments made and established, and sign and acknowledge the same before some officer authorized to take acknowledgments of deeds, which writing, so acknowledged, shall be recorded in the Recorder's office in the counties of Vanderburgh and Warrick, and the original filed in the office of the Secretary of State, and such writing, or the record thereof, shall be conclusive evidence in any of the courts of this State of the boundary line between the State of Indiana and Kentucky, between the points on said Green River Island heretofore indicated.

Report of commissioners.

SEC. 4. There is hereby appropriated out of the moneys of the State, in the hands of the Treasurer, a sum not exceeding two hundred and fifty dollars, to pay for making said survey. After rendering the services provided for in this act, the Commissioners shall make proof to the Judge of the Circuit Court of Vanderburgh county of the value thereof, to which the said Judge shall certify, and upon the presentation of such certificate the Auditor of the State shall draw his warrant in favor of said Commissioner for amount so certified, not exceeding the said sum of two hundred and fifty dollars.

Compensation of commissioners.

SEC. 5. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

Emergency.

CHAPTER VII.

AN ACT to authorize the change of county boundaries, and declaring an emergency.

[APPROVED MARCH 10, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever the people, the legal voters resident within a specified territory in two or more counties contiguous to each other, shall desire to change their jurisdiction by changing the boundaries of their respective counties, may do so, by petition to the Board of Commissioners of their respective counties, whose boundaries it is proposed to change, by written petition, signed by fifty freeholders resident in the districts asking to be

Change of county boundary lines.

Proceedings to obtain such change.

attached to another jurisdiction, and whenever such petition shall be presented to the Boards doing county business in each of the said counties, upon due proof of the genuineness of the signatures thereto, and being satisfied that the persons whose names are attached thereto are freeholders within the district asking such change, such Board shall order an election to be held at such time as such Boards may order, which election the several Boards of Commissioners shall so arrange as to have the same held on the same day in each of the counties interested in such change, such election to be held at the usual places of holding elections in the counties to be effected thereby, at which all legal voters shall be entitled to vote. Those desiring such change shall inscribe upon their ticket the words "In favor of change," and those opposed shall inscribe the words "Opposed to change." Such Boards of Commissioners, at their first session after such petition is filed, shall fix a time, not exceeding thirty days, for which such election is to be held, which shall be ordered for that special purpose and not upon any day fixed for holding general elections; such elections to be held and conducted as general elections are now by law held, and the returns thereof to be made and canvassed, as is now provided by law, and when such returns are made, as above provided, it shall be the duty of the Clerk of the Circuit Court of each county to make out a certified copy of the returns so made, and within five days thereafter file the same in the office of and with the Auditor of the county where such returns were made. The Auditor with whom such returns are made shall, within five days from the filing of said returns in his office, make out a true, full and complete copy of the same, certified under his hand and seal, and deposit the same in the office of the Auditor of the county or counties interested in such change. Upon the filing of such copies it shall be the duty of such Auditors of their respective counties to call together the Board of Commissioners of their respective counties whose duty it shall be to examine the returns as certified, and if a majority of the voters of each of said counties, voting at said election, favor a change, it shall be the duty of the said several Boards of Commissioners to cause to be spread on their order book an order declaring the boundaries of their respective counties, as described in the petition as aforesaid, filed with them, praying for such change, which said order shall operate to attach said territory to the jurisdiction prayed for, fully and completely: *Provided*, That a vote shall not be taken under this act oftener than once in three years.

Boards of commissioners shall order election.

Election, where to be held.

Tickets.

Time of holding election.

Such election, how to be conducted and result thereof certified.

Clerk of circuit court, his duty.

Auditor of county shall make out certified statement and file same.

Auditor of counties shall call board of commissioners together, who shall cause order to be spread upon order book declaring boundaries, &c.

How often vote may be taken.

SEC. 2. The petition, contemplated by the first section of this act, shall contain a clear and distinct description of the proposed change, by designating the boundaries in such manner as to enable those in favor of, and those opposed to such change, to know such proposed boundaries, and it is hereby declared that the Board of Commissioners of any such counties, desiring such change, shall, in no wise, entertain or consider any petition proposing to change the boundaries of counties, which proposes to lessen the area of any county below its original limits, except such county contains over four hundred square miles, and in such case, no such county, by such change, shall be reduced below four hundred square miles.

Petition shall contain clear and distinct description of proposed change.

Area of county shall not be reduced below four hundred square miles.

SEC. 3. That whenever the first and second sections of this act shall have been complied with, and such orders of the respective boards of said counties made, it shall operate to place within the jurisdiction of the territory to the county designated in said petition, for all judicial purposes, either civil or criminal, and of all persons, and property within such territory.

Jurisdiction over territory within the prescribed boundaries.

SEC. 4. That it shall be the duty of the Board or Boards of Commissioners of the said county or counties, if any indebtedness exist in either or both, that the said boards shall levy, from year to year, a tax upon the detached territory, by such a per centage upon all the taxable property within such district so detached, as shall be necessary to liquidate and pay the indebtedness of the county, from which such territory was detached, until the said indebtedness be fully paid, which rate per cent. shall not be in excess of that levied upon the county so indebted, and when such assessment shall be made by said boards, it shall be the duty of the Auditor of each of said counties to certify the rate per cent. so levied, to the Auditor of the county to which such territory was attached, which Auditor shall place such rate per cent. on the tax duplicate of said county, and it shall be the duty of the Treasurer of said county to collect the same, and upon demand of the Treasurer of the proper county, he shall pay over the same as other monies are paid out.

Tax to be levied and collected on detached territory to pay off existing indebtedness, how and by whom.

SEC. 5. It shall be the duty of the Commissioners of said counties to compel, by their order, the Auditors of their respective counties to make out a true, full and complete copy of all the property listed for taxation, either real, personal, or mixed, whose names appear upon the tax duplicates of their respective counties embraced within the territory detached, and transmit the same to the Auditor of the county to which such territory is attached for the purpose of taxation.

Copy of property listed and embraced within detached territory to be made out and certified to Auditor of county to which such territory is attached, for taxation.

County commissioners of county from which territory is detached shall have record of deeds, &c., made out and filed in Recorder's office of county to which territory is attached, which record shall be evidence

SEC. 6. When such change shall have been made as contemplated by this act, it shall be the duty of the boards of commissioners of the county, from which such territory is detached, to procure a suitable book and cause to be copied therein, by the Recorder of said county from the records of his office, all deeds of the present owners of real estate and mortgages to any trust funds within the territory so detached that shall have been recorded within such territory. Said record, when so made, shall be by said Recorder filed in the office of the Recorder of the county to which such territory has been attached, and all copies of such deeds, duly certified by the Recorder, with whom the said record is deposited, certifying that the same is a true and complete copy of such instrument, as it appears on said record in his office, the same shall be admitted as evidence with the like force and effect of the original record.

Officers in detached territory to continue to discharge their duties.

SEC. 7. All officers within the bounds of such detached territory shall continue to exercise the duties of their several offices until they are succeeded by others, duly qualified, to take their places.

Suits commenced and collection of taxes due, not to be affected by such detaching of territory.

SEC. 8. No suit or action, of any nature whatsoever, commenced in any court of record or before any Justice of the Peace, shall in any wise be affected by such change, and any taxes that may be due the State or county, at the time of such change, shall be collected in the same manner as if said territory had not been detached.

Judgments, orders, decrees, &c., to continue in force.

SEC. 9. All judgments, orders and decrees of whatever nature, and all grants of letters of administration or of guardianship, shall remain in full force and effect in the said several counties, where such judgments, orders and decrees were rendered, or letters granted, until finally satisfied and settled.

Penalties to be incurred, by officers failing to discharge their duties under this act.

SEC. 10. Any officer, upon whom any duty is imposed by this act, failing, neglecting or refusing to perform the duty imposed as in this act required, shall be deemed guilty of a misdemeanor and, upon conviction thereof, before any court of competent jurisdiction, shall be fined not less than fifty nor more than five hundred dollars, to which may be added imprisonment in the county jail for a term not exceeding sixty days.

Repealing clause.

SEC. 11. It is hereby declared that all laws in relation to a change of the boundaries of counties, coming in conflict with this act, be, and the same are hereby repealed.

Emergency.

SEC. 12. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

CHAPTER VIII.

AN ACT providing for the incorporation of companies formed for the purpose of constructing bridges for railway or common roadway purposes, or both, over rivers and streams forming the boundaries of the State of Indiana or a part thereof.

[APPROVED MARCH 2, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any number of person may form themselves into a corporation for the purpose of constructing and owning a bridge across any of the rivers and streams forming the boundary of the State of Indiana or any part thereof, by complying with the following requirements: They shall unite in articles of association setting forth the corporate name they assume, the river or stream, the county, city or town in which said bridge is to be constructed, the amount of capital stock, the number of shares into which it is to be divided, the names and places of residence of the subscribers or stockholders, and the amount of capital stock, taken by each, shall be subscribed to said articles of association, which said articles of association shall be duly acknowledged by the subscribers, and a copy filed for record in the office of the Recorder of the county in which said bridge may be situated. Any such corporation, if they deem it best, may construct and own, as an extension of such bridge and in connection with it a firm and substantial causeway to be made of trestle work or solid embankment, or part of trestle and part of solid embankment, across the low bottoms of any such river or stream, and such purpose shall be set forth in said articles of association.

Bridge companies, how organized.

Causeway and trestle work may be erected.

SEC. 2. Not less than five nor more than nine Directors shall be elected by the stockholders of any such corporation, who shall hold their office for one year and until their successors are elected in like manner. It shall be lawful for the stockholders to determine upon the number of Directors they desire, as herein restricted, on the day of election, and immediately previous to proceeding to such election. At all elections for Directors by the stockholders, each stockholder shall be entitled to vote, in person or by proxy, duly appointed in writing; each stockholder shall be entitled to one vote for each share he or she may own in any such corporation. Notice of any election for Directors shall be given in such manner as either the stockholders or Directors may order.

Directors, number, election of and term of office.

Organization of Board, election of President and Secretary.

Body corporate.

Name and style.

May sue and be sued.

Seal.

By-Laws.

By-Laws shall be posted up.

Vacancies.

Record of proceedings to be kept.

Treasurer and other officers.

Certificate of Stock.

Railways may be constructed over bridges.

Toll, rates of.

Toll houses.

SEC. 3. Any Board of Directors, elected under the provisions of this act, may organize, by choosing a President and Secretary from their own body, and from thenceforth shall be considered a body corporate and politic with perpetual succession by the name and style of ——— Bridge Company, and shall then be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in any court of competent jurisdiction, and said corporation shall have all the rights, privileges and powers incident to corporations, and may have and use a common seal with power to alter or change the same at pleasure.

SEC. 4. The Directors, first elected under this act, shall immediately provide a code of by-laws for the government of the corporation, present the same to the company for their adoption, which by-laws, if not repugnant to the laws of the State, when approved by a majority of the stock represented, shall become a law and be binding on the corporators concerned until altered or amended by a similar vote at any meeting of the stockholders. The by-laws of each company shall be posted up, by copy, in some conspicuous place or places in or about the proper toll house.

SEC. 5. The Directors shall fill all vacancies that may occur in their own body; they shall at all times keep, or cause to be kept, at some proper place, proper books of account, and of their proceedings, in which shall be entered all the business transactions of the company, and which books shall, at all times, be subject to the inspection of the stockholders of the corporation or any one dealing therewith. The Directors shall, elect a Treasurer, unless the duties of Treasurer be assigned to the President or Secretary, and they shall appoint such other officers and agents as may be deemed expedient and shall prescribe their several duties, powers and compensations.

SEC. 6. Certificates of stock shall be given to stockholders, the same to be signed by the President and Secretary, with the seal of the company affixed; the stock shall be transferable on the books of the corporation only; but such stocks shall at all times be held by the corporation for any delinquency in the payment of any assessment.

SEC. 7. Said corporation shall have power to construct a railway with one or more tracks over said bridge and the embankments appertaining thereto, and to connect the same with other railway tracks, and shall have the right to fix and alter at pleasure the rates of toll for all persons and property passing over said bridge and railway tracks connected therewith, whether on foot or horseback, or in vehicles of any kind, or in cars propelled by steam or any other power, and for the purpose of collecting tolls, toll houses may be

erected and maintained at the said bridge, near to it or on the approaches leading to it. The rates of toll for persons on foot or horseback, or in vehicles, except in cars propelled by steam or other power, shall be first submitted to and approved by the Board of Commissioners of the proper county in which any part of such bridge and embankment may be situated. The rates of toll shall be painted on a board and set up in some conspicuous place on the toll house or bridge, and said corporation may demand and receive the rates of toll thus fixed and published.

Rates of toll shall be painted and set up.

SEC. 8. The said corporation shall also have full power and authority to connect the line of railway over said bridge by a continuous line of railway, in such manner and upon such route and terms, as may be deemed most expedient, with any other line of railway whatever, and to maintain, use, operate and control the said connection, when completed, and charge and receive tolls for the use thereof.

Corporation may connect line of railway over bridge by continuous line of railway and charge and receive tolls.

SEC. 9. The said corporation shall have power to borrow money to construct and operate the work above indicated, at such rate of interest, not exceeding ten per cent., for such times, in such places, and to such amounts as the Directors may deem best, and may execute bonds or other evidences of indebtedness therefor, and secure the payments of the same by mortgage or pledge of the said work hereby authorized to be constructed or any part thereof, and sell and dispose of the said bonds or other evidences of indebtedness upon such terms and discount as may be agreed upon.

Corporation may borrow money and issue bonds to build bridges.

SEC. 10. The said corporation shall have the right to contract, at any agreed sum or rate, with any railroad company now existing or which may hereafter be incorporated, for the annual use of said bridge by the cars or engines, or for the use of said railroad company, and any such railroad company is hereby authorized to subscribe for the stock or purchase the bonds issued by said bridge company, and is further authorized to make all such guarantees as to the net earnings of said bridge over cost of operation and repair, as may be agreed upon by the two contracting companies, and such corporation shall have authority, by a vote of a majority of the Directors, to unite and consolidate its franchises, business, and interests with those of any other bridge company incorporated under the laws of any other State, and having authority to construct a bridge over the same stream at the same point.

Corporation may contract with railroad company for use of bridge.

Railroad company may subscribe to stock or purchase bonds issued by bridge company.

Corporation may consolidate business, &c., with other bridge company.

SEC. 11. Any corporation, under the provisions of this act, shall be capable of holding, using, and conveying any property or estate, real or personal, that may by them be deemed necessary or convenient for the site of said bridge, its piers, abutments, toll-house, and for suitable avenues leading to the same, and also such other and further real

Corporation may hold, use, and convey property, real and personal for purposes authorized by this act.

estate as may be required for any purpose authorized by this act, and to take real property therefor, such companies may have the benefit of the writ of assessment of damages.

Corporation may file application for writ of assessment of damages.

SEC. 12. Such corporation may file an application for such writ of assessment of damages in the Circuit Court, or in vacation, in the office of the Clerk thereof, setting forth the precise description of the real estate desired to be taken, the names of the persons interested therein, making them defendants, and the purposes to which the same is to be converted, and refer to the law which authorizes the taking of the property; the Clerk shall thereupon issue to the Sheriff a writ of assessment of damages, reciting therein the material part of the application, and direct the Sheriff to assess the damages by a jury.

Clerk shall issue writ to sheriff.

Venire to summons jury, &c.

SEC. 13. The court, on application, or the Clerk in vacation, shall issue a venire to summon a jury to consist of not less than six nor more than twelve, who shall be disinterested freeholders not owning land within one mile of any part of the bridge or avenues of approach thereto, for which the land is taken.

Sheriff shall hold inquest; duty of jury, &c.

SEC. 14. The Sheriff shall proceed to hold the inquest and the proceedings thereon, and the persons interested, and the duty of the jurors, and their proceedings shall be in all respects governed according to the provisions of article 41, pages 188, 189, 190, 191, 192 and 193 of second volume of Revised Statutes of 1852, on the subject of assessment of damages, so far as the same are applicable.

Navigation of streams not to be obstructed.

SEC. 15. Any such corporation shall not, at any time, unlawfully, or unnecessarily obstruct the navigation of any navigable stream by the construction of any such bridge.

Counties and townships may take stock in and make donation to bridge company.

SEC. 16. Counties and townships wherein any such bridge or part thereof, may be located, are hereby authorized to take stock in or make donations to such bridge company in aid of its construction, by complying with the provisions, so far as the same are applicable, of Chapter CCCLXIII of the third volume of the Revised Statutes of 1852, giving counties and townships authority to take stock in and make donations in aid of the construction of railroads, and that any city, incorporated by special charter or enactment, or under the general law of this State, may also subscribe to the stock, or may make donations in money to aid in the construction of such bridge in the same manner that they are authorized by their special charter or general act of incorporation to subscribe to the stock of or make donations to railroads.

Incorporated city may subscribe to stock and make donation to bridge company.

emergency.

SEC. 17. It is hereby declared that an emergency exists requiring the enactment hereby made, and that this act shall be in force from and after its passage.

CHAPTER IX.

AN ACT for the incorporation and continuance of Building, Loan Fund and Savings Associations, and repealing the laws on that subject, approved March 5th, 1857, and March 7th, 1873, and legalizing all such Associations now in existence.

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any number of persons, not less than ten, may associate themselves together for the purpose of organizing Building, Loan Fund and Savings Associations, and for that purpose they shall make, sign and acknowledge, before some officer capable of taking acknowledgments of deeds, an article of association in writing, which shall state the corporate name adopted by the Company, the object of its formation, the amount of capital stock, the number of the Directors, and their names, who shall manage the affairs of the Company for the first year, and the name of the town or county in which its operations are to be carried on, and cause the said articles to be recorded in the Recorder's office of the county where the business is to be carried on, and a duplicate thereof in the office of the Secretary of State.

SEC. 2. When the articles of association shall have been filed and recorded as aforesaid, a certified copy thereof shall be evidence of the things therein contained, and the persons who shall have filed and acknowledged the same, and their successors, shall be a body corporate and politic, and in their corporate name may contract, sue and be sued, and may hold and convey real estate and personal property as hereinafter provided, and the business of the association shall be managed by a Board of Directors, who shall be stockholders of the association, and who shall be selected by the stockholders as the by-laws of the association may provide.

SEC. 3. The company shall have the power and franchise of loaning or advancing to the stockholders thereof the moneys accumulated from time to time, and the power and right to secure the repayment of such moneys and the performance of the other conditions upon which the loans are to be made, by note and mortgage, or upon note secured by stock of the association, as well as the power and right to purchase or erect houses; and to sell, convey, lease, or mortgage the same, at their pleasure, to their stockholders or others, for the benefit of their stockholders, in such man-

Premiums taken not to be deemed usurious.

Non-payment of installments and interest, how enforced.

Capital stock shall not exceed \$500,000.

Number and denomination of shares.

Capital stock may be issued in series of not to exceed \$100,000 each.

Periodical payments of installments.

Stock may be paid and retired.

Shares of stock subject to lien.

Stock may be issued in lieu of shares withdrawn.

Stockholders may withdraw from corporation, and amount entitled to receive on such withdrawal.

Proviso.

Upon death of stockholder, who entitled to receive amount paid in, &c.

Fines not to be charged to deceased member unless, &c.

ner; also, that the premiums taken by the said association, for the preference or priority of such loans, shall not be deemed usurious; and also, that in case of non-payment of installments or interest, by borrowing stockholders for three months, payment of principal, premium and interest, without deducting the premium paid or interest thereon, may be enforced by proceedings, on their securities, according to law.

SEC. 4. The capital stock of any corporation, created for such purpose, by virtue of this act, shall at no time, consist in the aggregate, of more than five hundred thousand dollars, to be divided into shares of such denomination, not exceeding five hundred dollars each, and in such number as the by-laws of the Association may provide; *Provided*, That the capital stock may be issued in series, but no such series shall at any issue, exceed in the aggregate one hundred thousand dollars; the installments on which stock are to be paid, at such time and place, as the by-laws may provide, but no periodical payment of such installment to be made exceeding one dollar per month on each one hundred dollars of stock; and said stock may be paid off and retired as the by-laws may provide, and every share of stock shall be subject to a lien for the payment of unpaid installments and other charges incurred thereon, under the provisions of the Constitution and by-laws, and the by-laws may prescribe the form and manner of enforcing such lien, and in lieu of the shares withdrawn or forfeited the stock may be issued in one or in successive series, in such amounts as the Board of Directors may determine, and any stockholder, wishing to withdraw from said corporation, shall have power to do so by giving three months' notice to the Board of Directors of his or her intention to withdraw, when he or she shall be entitled to receive the amount paid in by him or her, less all fines and other charges; but after the expiration of one year from the issuing of the series, such stockholders shall be entitled, in addition thereto, to legal interest thereon; *Provided*, That at no time shall more than one-half of the funds in the treasury of the corporation be applicable to the demands of withdrawing stockholders, without the consent of the Board of Directors, and that no stockholder shall be entitled to withdraw whose stock is held in pledge for security. Upon the death of a stockholder his or her legal representatives shall be entitled to receive the full amount paid in by him or her, and legal interest thereon, first deducting all charges that may be due on the stock. No fines shall be charged to a deceased member's account from and after his or her decease, unless the legal representatives of such decedent assumes the future payment on the stock.

SEC. 5. That the number, functions, qualifications and compensation of the officers of any corporation, their terms of office, the times of their elections, as well as the qualifications of electors, and the votes and manner of voting, and the periodical meetings of said corporation, shall be determined by the by-laws of the association, when not provided by this act.

Officers, terms of, time of election, qualification, &c., compensation of and meetings, how determined

SEC. 6. That said Directors shall hold stated meetings, at which the money in the treasury, if over the amount fixed in the constitution or by-laws, as the full value of a share, shall be offered for loan in open meeting. The by-laws of the association shall prescribe the manner of awarding such loan or loans to its members, the rate of interest to be paid therefor, not exceeding ten per cent. per annum, payable monthly or quarterly in advance; or said association may provide in its by-laws that such loans shall be made to the members of said association who shall bid the highest premium for the preference or priority of loan, and who shall be entitled to receive a loan of not more than the amount fixed by the constitution and by-laws as the full value of a share for each share of stock held by such person. The said premium shall be bid as of so much per share: *Provided*, That a stockholder may borrow such fractional part of the amount, fixed by the constitution and by-laws, as the full value of a share, as the by-laws may provide. Good and ample real estate security, as prescribed by the by-laws of the corporation, shall be given by the borrower to secure the repayment of the loan, with interest, and, also, for the payment of the dues, fines and assessments that may be assessed on his share of stock upon which the loan is made. In case the borrower shall neglect to offer security, or shall offer security that is not approved by the Board of Directors, by such time as the by-laws may prescribe, he or she shall be charged with legal interest, as provided in the by-laws, together with any expense incurred, and the loss in premium, if any, on a re-sale, and the money may be re-sold at the next stated meeting. In case of non-payment of installments or interest by borrowing stockholders, for the space of three months, payment of principal and interest, and fines, without deducting the premium paid or interest thereon, may be enforced by proceedings on their security, according to law.

Directors shall hold stated meetings and offer money for loan.

By-Laws shall prescribe manner of awarding loans.

Provide.

Loans shall be secured.

In case borrower shall neglect to offer security shall be charged with interest, &c.

In case of non-payment of installments or interest by borrower.

Payment of loan and portion of premium to be refunded in such case.

SEC. 7. That a borrower may repay a loan at any time, and in case of the re-payment thereof, before the expiration of the sixth year after the organization of the corporation, there shall be refunded to such borrower one-sixth of the premium paid for every year of the said six years then

Proviso.

unexpired. *Provided*, when the stock is issued in separate series, the time shall be computed from the date of the issuing the series of stock upon which the loan was made.

Premiums, fines or interest not to be deemed usurious and may be collected, how.

SEC. 8. That no premiums, fines, or interest on such premiums that may accrue to the said corporation, according to the provisions of this act, shall be deemed usurious, and the same may be collected as debts of like amount are now by law collected in this State.

Corporation not to expire on account of failure to elect officers. Officers shall serve until successors are duly elected.

SEC. 9. That no corporation or association, created under this act, shall cease or expire from neglect on the part of the corporation to elect officers at the time mentioned in their by-laws, and all officers elected by such corporation shall hold their offices until their successors are duly elected.

Association may purchase at sheriff's or other judicial sale or any other sale, real estate upon which it may have a mortgage or other lien.

SEC. 10. Any Building, Loan Fund, or Savings Association, incorporated under or by this act, and those incorporated prior thereto, are hereby authorized and empowered to purchase at any Sheriff's or other judicial sale, or at any other sale, public or private, any real estate upon which such association may have or hold any mortgage, judgment, lien or other incumbrance, or ground rent, or in which said association may have an interest, and the real estate so purchased, or any other, that such association may hold or be entitled to at the passage of this act, to sell, convey, lease or mortgage at pleasure to any person or persons whatever, and all sales of real estate heretofore made, by such Association, to any person or persons, are hereby confirmed and made valid.

Sales of real estate heretofore made legalized.

Corporation shall have power to purchase and convey land not to exceed in the whole fifty acres.

SEC. 11. All such corporations shall have full power to purchase lands, and to sell and convey the same, or any part thereof, to their stockholders or others, in fee simple, with or without the reservation of ground rents, but the quantity of land purchased by any one of said associations, hereinafter incorporated, shall not, in the whole, exceed fifty acres, and in all cases the land shall be disposed of within ten years from purchase of same. That all Building, Loan Fund and Savings Associations are hereby authorized to make sale of, and extinguish to any person or persons, the ground rents created as aforesaid.

Land purchased to be disposed of within ten years after purchase.

Sale and extinguishment of ground rents.

Act repealed.

SEC. 12. An act entitled "An act for the incorporation and continuance of Building, Loan Fund and Savings Associations," approved March 5, 1857," and also an act entitled "An act authorizing the organization of voluntary associations, and prescribing their duties and powers," approved March 7, 1873, and all other acts in conflict with the provisions of this act, are hereby repealed; *Provided, however*, that all rights acquired, and all acts performed in pursuance of the provisions of the above-mentioned acts, are saved from the effects of this repealing clause, and all Building, Loan Fund and Savings Associations, or corporations,

Saving clause.

which have commenced proceedings under said acts, may proceed according to the provisions of this act.

SEC. 13. The shares of capital stock in any Building, Loan Fund, or Savings Association, organized under the previous laws of this State, and any such association that may hereafter be organized under this act, shall be listed by the President thereof in the county, township, city or town where such association is located, in conformity to the provisions of Section 59 of an act entitled "An act for the uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872, and shall be taxed at the same rate as other personal property, and shall be assessed with regard to the value of its stock on the first day of April of the current year, and this act shall apply to the taxes for the year 1874, which taxes shall be paid by the association.

Shares of capital stock shall be listed by the President for taxation.

Rate of taxation on capital stock.

This act shall apply to taxes for 1874.

SEC. 14. All such associations shall have power to assess, in addition to amount provided in Section 4, of this act, the sum of twenty-five cents per month, upon each share of stock, for the purpose of defraying the expenses of the association, which sum to be payable with the regular installment, and shall also have the power to provide in their by-laws for the assessment and collection of fines and penalties from delinquent stockholders for non-payment of dues, interest, installments and assessments, also to provide in their by-laws for the forfeiture of all the rights and immunities in the association of such delinquent members. After a default of three months to pay the dues, interest, installment, assessments and fines, and also provide, in case a borrower of money from such association shall fail, and neglect to pay his dues, fines, assessments, interest and installments for a period of three months from the time the same shall become due and payable, such failure and neglect shall work a forfeiture of all his rights and immunities as a member of said association, and the whole sum loaned to him by said association shall become immediately due and payable and may be collected, together with all such fines, dues, interest and installments, by law.

Assessment on stock for payment of expenses.

Assessment and collection of fines and penalties from delinquent stockholders and forfeitures of rights of such delinquent, &c.,

CHAPTER X.

AN ACT to amend the fourth and ninth sections of an act entitled, "An act for the incorporation and continuance of Building, Loan Fund and Savings Associations," approved March 5th, 1857, to legalize certain contracts made by such associations.

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the ninth section of said act be amended so as to read as follows:

SEC. 9. The company in their by-laws may provide for the redemption of the shares of stock, by the application of its funds, arising out of the dues, fines and assessments, and all redemption of stock by any association heretofore made, and all contracts of any such association with any member thereof, heretofore made, for the redemption and relinquishment of stock at any price whatever, and for the payment of any dues, fees and assessments, are hereby declared to be valid and binding in law. Each member of the company shall have an equal opportunity to relinquish his stock, and the member who shall relinquish upon terms most favorable to the company, shall have the preference. The company shall use no funds in the redemption of stock, nor loan any, except such as arise out of the fees, dues, fines and assessments of its members, nor shall any loans be made to persons not members of the company, unless there is a surplus of funds on hand not required for the redemption of stock or for loans to members. The business of the company shall be closed, except as to the collection of unpaid debts and stock, as soon as the funds thereof will pay all debts and redeem the outstanding stock at par. And it is hereby provided that no powers shall be exercised by any such association to issue any paper in the similitude of bank-notes, to be circulated as money, nor exercise any banking powers whatever.

SEC. 2. It is declared that there is an emergency for the immediate taking effect of this act, and the same shall therefore be in force from and after its passage.

CHAPTER XI.

AN ACT to provide for the incorporation of any public or private cemetery, already laid out and recorded, where any of the lots therein are occupied for the burial of the dead, and to provide for its maintenance, improvements and additions thereto, the collection of assessments thereon, and the election of officers for its government.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever persons owning the majority of burial lots in any cemetery, public or private, hereafter laid out and recorded, or now laid out and recorded, and in which a portion of the lots, thus laid out, are occupied by the burial of the dead, which fact may be shown by affidavit of one of the owners thereof, desire to have the same incorporated, they may petition the Board of Commissioners of the county, wherein such cemetery is situated, at any regular session of said Board, which petition shall be filed in the Auditor's office of said county at least ten days before such meeting; such petition shall contain the particular description of the cemetery which is desired to be incorporated, when and where a plat of the same was recorded, the name it is known by, and the name under which it is desired to have it incorporated. Public notice of such petition and application shall be given at least twenty days before the meeting of the Board, by publication in a weekly newspaper nearest to such cemetery, if any is published in said county, and if none is published therein, then notice must be posted in five public places in the township in which such cemetery is located, one notice to be posted at the location thereof.

How persons, owning majority of lots in Cemetery to proceed, in order to have same incorporated.

SEC. 2. If the Board of Commissioners are satisfied that all the requirements, embraced in the first section of this act, have been complied with, they shall grant the prayer of said petitioner, fixing the number of Directors, which shall not be less than three, nor more than nine, to be first chosen, designating the time and place for choosing the same, and directing the manner in which said election shall be conducted, notice thereof to be given at least twenty days prior to the election.

Board of Commissioners, to grant prayer, fix number of directors, and appoint time of election.

SEC. 3. That at all elections for Directors, each person owning a lot or lots therein, shall be entitled to cast one vote for each lot so owned by him; the persons having a

Election of directors.

Directors, term of office.

Vacancies, how filled.

Elections how often to be held.

President and other officers to be chosen.

Assessments on lots for improvements, and other purposes.

Collection of such assessments.

Amount of assessment shall not exceed

Seal.

When incorporation to be deemed complete.

Powers of corporation.

One person may hold more than one office of such incorporation.

Additions to cemetery grounds.

Emergency.

majority of the votes cast shall be declared elected, a certificate of which election shall be filed in the office of the Recorder of the county, and such Directors shall hold their office for the term of two years, and until their successors are elected and enter upon the duties of their office; and that all vacancies occurring in the office of Director, or any office created in the regulation and management of said incorporation, shall be filled by the Directors in office, by other appointments, and all elections after the first election, shall be once in two years, under such regulations as may from time to time be made.

SEC. 4. The Directors shall, on entering upon the duties of their office, choose a President, Vice-President, Secretary and Treasurer, and such other officers as in their judgment are necessary, whose duties, powers and obligations said Directors may from time to time order and regulate, and such Directors are empowered to assess, levy and collect such assessments, on the lots of any cemetery, incorporated under this act, for the purpose of improving, maintaining, protecting and enlarging its boundaries, beautifying its grounds, or for enhancing its convenience, as is in their judgment desirable. Such assessments may be collected by suit or sale of lots, on which assessments have been made and are not paid, according to the regulations made and ordered by said Directors; *Provided, however,* That the total amount of any such assessments, made in any one year, shall not exceed twenty per cent. of the value of the lot or lots assessed, at the time of making such assessment.

SEC. 5. The Directors shall procure a seal bearing the date of its complete incorporation, as well as the incorporated name, which seal shall be recorded, with the first certificate of election of Directors, and shall remain in the custody of the Secretary. When the certificate of election of directors and officers, and record of the seal shall have been filed in the Records' office, as required in the third and fourth sections of this act, the incorporation shall be deemed to be complete to all intents and purposes, with power to sue and be sued, and having all powers and privileges such bodies are held to have in law or equity; *Provided,* That nothing in this act shall be construed so as to prevent any person from holding or discharging the duties of more than one office in such incorporation, where the duties of such offices do not conflict; *And Provided further,* That it may be competent for such Directors to make such additions to such cemetery grounds, and lay out the same into lots, and to sell the same as interest may demand.

SEC. 6. Inasmuch as there is now no law to authorize the incorporation of cemeteries, which are already laid out,

recorded and occupied, it is therefore declared that an emergency exists for the immediate taking effect of this act, it is therefore declared to be in effect from and after its passage, and the filing the same in the office of the Secretary of State.

NOTE.—This Act filed in the office of the Secretary of State, on the 10th day of March, A. D., 1875.

CHAPTER XII.

AN ACT to authorize incorporated cities in this State to construct, extend, widen, deepen, repair and otherwise improve harbors, and for that purpose to condemn the lands of persons through or adjoining which such harbors may run, and to assess damages and benefits against adjoining owners.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any incorporated city in this State, situated upon or adjoining any harbor connected with a navigable stream or lake, or upon any natural water course, which, by dredging or otherwise, may be made into a harbor, is hereby authorized to construct an entirely new harbor, or may extend, widen, deepen, repair, or otherwise improve any harbor now made, partially made, or in process of construction, and for that purpose may loan the credit of the city as is now provided by law in cases of public improvements.

Cities may construct harbor, improve same, etc.

May loan credit of city for that purpose.

SEC. 2. Such city may undertake and perform the work, without subletting, if the Common Council shall deem it best, in which case the work shall be under the supervision of a committee of the Common Council appointed for that purpose, to which committee may be added the City Engineer. All estimates of work, upon which payment is demanded, shall be certified to be correct by the City Engineer, and no payment for work, or material furnished shall be anticipated. Appropriations for the payment of such work and materials, shall be made from time to time by the Common Council, out of the funds raised for such purpose, as may be necessary for an expeditious prosecution thereof.

City may do the work.

Estimates of work shall be certified.

Appropriations for payment for work.

SEC. 3. Such city may let such work to any person or company, by first publicly advertising in such manner as the Common Council may deem best, and the work shall be let to the lowest responsible bidder ; but before the work is

City may let such work to contractor.

Contractor shall enter into bonds.

Payment of contractor.

Map and profile of proposed work shall be made out, and estimate of cost etc.

Appropriation of lands, for construction of harbor.

Condemnation of lands for harbor purposes.

Resolution of common council and condemnation of lands.

commenced, and before such contractor shall be entitled to payment for any work or labor done, or materials furnished, he shall make and enter into bonds, with adequate penalty, with good and sufficient security, to be approved by the committee in charge of said work, for the faithful performance of his contract, and during the progress of the work, such contractor shall not be entitled to receive within twenty per centum of the value of the work done or material furnished, until the completion of the whole, and in no case shall the City Engineer certify the correctness of any bill beyond eighty per centum of the value of the work done or material furnished.

SEC. 4. Before any bonds shall be issued or work done, under the provisions of this act, the Common Council shall cause the City Engineer to make a map and profile of the work proposed to be done, and an estimate of the cost thereof, which shall be filed in the City Clerk's office, and shall be notice, to any and all parties interested, of the manner in which they are affected by said contemplated work.

SEC. 5. All incorporated cities in this State shall have power to appropriate so much of the land belonging to any person or persons, abutting on or adjoining any natural water course, which it is proposed to make into a harbor, necessary to the construction and completion thereof, and the land which is appropriated shall be particularly described on the plat and profile aforesaid.

SEC. 6. Such appropriation shall be deemed to be made as soon as such plat and profile is filed in said Clerk's office, and thereafter, if the city and the land owners affected thereby shall be unable to agree upon the value of the land taken, and damages sustained, or benefits arising therefrom, or if the owner be a non-resident of the county, an infant, lunatic or idiot, the said city may condemn the land thus appropriated in the same manner as lands are now condemned by cities for streets and alleys, and the committee appointed by the Common Council for such purposes shall be and they are hereby constituted the appraisers for condemning land, as in this act provided.

SEC. 7. Whenever the Common Council shall by resolution recite the fact that the city is unable to agree with any land owner or owners, as to the value of the land taken or damages sustained, or benefits accruing, or that any of the owners are infants, lunatics, or idiots, said resolution shall be sufficient authority for said Commissioners to proceed to appraise the land appropriated, the damages sustained, and benefits accruing, but before such appraisement shall be made, ten days notice, by publication in any newspaper of general circulation in the county, shall be given of the time and place, when and where, said Commissioners

will meet to make said appraisalment, which notice, verified by the affidavit of the publisher, or owner of said paper, shall be returned with their appraisalment by said Commissioners.

SEC. 8. The value of the lands appropriated, together with the benefits and damages, shall be considered by such Commissioners and determined by them, who shall return the same to the City Clerk within five days after making and completing it, which report of said Commissioners shall describe the land appropriated, the value thereof, and the damages and benefits which will accrue to the owner by reason of the proposed improvement, or the appropriation thereof, and all lands adjacent, or near said proposed work, and directly benefited thereby, may be assessed for benefits which will accrue by reason of the proposed work.

Report of commissioners, lands appropriated, benefits and damages.

SEC. 9. The city shall be entitled to the possession of the land, for the purpose aforesaid, as soon as a tender of the money shall have been made to such owner, or if he be under disability, then to his guardian, and if there be none, or the owner is a non-resident, then by the payment thereof to the Clerk of the Circuit Court of the county in which said land is situate, who shall receive the same and hold it, by virtue of his office, for such owner or his legal guardian.

When City entitled to have possession of lands appropriated.

SEC. 10. Either party may appeal from such assessment, within thirty days after such assessments are filed, and shall be governed in such appeal as is now provided by law for appeals from assessments for streets and alleys.

Appeal from such assessment.

SEC. 11. All assessments of benefits shall be collected by installments, in such manner as the Common Council shall, by resolution, provide, and shall be liens upon the land against which they are assessed, and it shall be the duty of the Commissioners, in returning said assessments, to describe particularly the lands benefited. All assessments for benefits shall belong to the city, and may be foreclosed, whenever any installment shall become due, and remain unpaid, in the name of the city, in the same manner as foreclosures of mortgages are enforced, and shall be collected without relief from valuation or appraisalment laws.

Assessments of benefits, how collected.

SEC. 12. An emergency is declared to exist in the cases contemplated by this act, and therefore the same shall be in force from and after its passage.

Emergency.

CHAPTER XIII.

AN ACT to enable the incorporated cities and towns of the State of Indiana to adopt and enforce by-laws for the purpose of securing the removal of slops, garbage and dead animals and other waste matter from their corporate limits.

[APPROVED MARCH 9, 1875.]

Slops, garbage,
carcasses of
dead animals,
waste material,
removal of from
cities and towns.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Common Councils of the cities and the Trustees of the incorporated towns of this State are empowered and authorized to pass by-laws to secure the removal of slops, garbage, the carcasses of dead animals, and other waste material from their corporate limits, and to appoint and contract for such removal, and provide that the persons appointed, or contracted with, shall have the exclusive right to remove the same and to provide such penalties for the violation of by-laws, in accordance with the general laws for the incorporation of cities and towns, now in force, or which may hereafter be adopted.

Emergency.

SEC. 2. Whereas an emergency is declared to exist for the immediate taking effect of this act, and it is therefore declared to be in force from and after its passage.

CHAPTER XIV.

AN ACT in relation to orders issued by cities upon their Treasuries, and providing for the presentation, redemption and order of payment of the same.

[APPROVED MARCH 11, 1875.]

Payment of
orders by city
treasurer.

SECTION 1. The City Treasurer shall pay all orders issued by the city, of which he is such Treasurer, when presented, whether indorsed or not, as hereinafter stated in this act, if there be money in the treasury appropriated for that purpose, sufficient to pay the same; if there be not money enough thus to pay such orders, he shall write or stamp on the back thereof, over his name, the date of such presentation, and note the same in a Register of orders endorsed, to

be provided him for that purpose, and such orders shall be entitled thenceforth to draw legal interest until there shall be money on hands sufficient to pay the same.

Orders shall draw interest from date of presentation.

SEC. 2. Whenever there shall be money on hands to pay all outstanding orders, which have been indorsed, prior to any given date, the Treasurer shall publish notice of such fact by three insertions in some newspaper of general circulation in such city, and that such outstanding orders will be redeemed on presentation, and interest shall cease on such orders from and after the date of such publication; *Provided*, That city orders shall be received in payment of taxes for general purposes, and for all claims and demands due or belonging to the general fund of the city, without regard to priority of presentation or date of issue, but the Treasurer shall not pay any balance thereon, over and above the amount of such tax, claim or demand, when there are outstanding orders unpaid for want of funds.

Indorsed orders shall cease to draw interest after notice of treasurer etc.

City orders shall be received in payment of taxes, and claims of city, to amount of such taxes and claims.

SEC. 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Laws repealed.

CHAPTER XV.

AN ACT to amend section three of an act, entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and to purchase any ground and building for school purposes, and to pay debts contracted for such erection and completion, and purchase of buildings and grounds, and authorizing the levy and collection of an additional special school tax for the payment of such bonds," approved March 8, 1873, and declaring an emergency.

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section three of the above entitled act be amended so as to read as follows, to-wit: Section 3. In addition to the levying the tax by cities or incorporated towns for general purposes now authorized by law, the Common Council of any such cities, and Board of Trustees of any such incorporated towns, as shall avail themselves of the provisions of this act, are hereby authorized and required to levy, annually, a special additional tax at the same time, and in the same manner as other taxes of such city or town are levied, sufficient to pay the interest and principal of said

Sec. 3 amended.

Tax may be levied by city for purpose of paying bonds and interest thereon, for other, than general purposes.

bonds falling due, which additional special tax shall be assessed and collected as the taxes for State and county revenue are assessed and collected, and the Treasurer of said city or town shall keep accurate account of the revenue arising from said special tax, and shall in his reports, when required by the city or town authorities, show the amount thereof received, the amount disbursed, and the amount thereof, if any, remaining delinquent; he shall pay out the same only by the authority of the Common Council of said city or Board of Trustees of such town, and shall permit the same to be applied to no other purpose than the payment of the principal and interest of such bonds; and official bonds of city and town Treasurers shall be construed to cover and include revenue arising from this source. Persons residing outside of any such city or town, and electing to be transferred to such town or city, for educational purposes, or who shall send their children to the school taught in any such building, shall, with their property, be liable to such tax as if they resided in such city or town, on all property owned by said person in the township, where such city or town is located; *Provided always*, that nothing in this act shall be construed to prevent the School Trustee or Trustees of such town or city, from admitting pupils into such schools, from outside such city or town, in their discretion, upon the payment of tuition therefor, and without subjecting the property of their parents to such taxation, when such schools are not crowded, and their admission shall, in no way, interfere with the progress of the children within such corporate city or town; *And, providing further*, That the additional special tax, hereby authorized, shall not, in any one year, exceed fifty cents on any one hundred dollars of taxable property, and one dollar on each poll.

How such tax shall be assessed and collected.
City Treasurers' duties in collecting and disbursing such taxes.
Official bonds of city treasurer to cover such revenue.
Persons living outside of city, transferred to same for educational purposes, liable to such tax.
School trustees may admit pupils residing outside of city, into such school upon payment of tuition.
Such tax shall not exceed what.
Emergency.

SEC. 2. Whereas an emergency exists for the taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

CHAPTER XVI.

AN ACT to amend the law for the incorporation of cities.

[APPROVED MARCH 11, 1875.]

Sec. 3 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section three of the act in relation to the incorporation of cities, which took effect April

28th, 1869, be and the same is hereby amended to read as follows:

SEC. 3. If the return shall show a population of two thousand persons, or more, the trustees or Common Council, within ten days thereafter, shall publish a notice to the voters of such town or city, as in other corporations, stating that on a day, at a place named, a poll will be opened to determine whether such town or city shall be incorporated as a city.

Town of 2000 persons may be incorporated as city.

CHAPTER XVII.

AN ACT to authorize the County Commissioners of the several counties of this State to purchase the books, stationery, and other articles for the several county offices, and for the conduct of public business, defining penalties and prescribing punishment for violations of the provisions of this act by said Commissioners, and by other persons therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the County Commissioners of the respective counties in this State, shall be the agents of their counties for the purchase of all the books, stationery, and all other articles necessary for conducting the business of the county offices, Circuit and Inferior Courts of the State of Indiana.

County Commissioners shall be agents of county for purchasing of stationery, etc., for county offices, etc.

SEC. 2. It shall be the duty of each county officer using articles purchased at the expense of the county, to make known, under oath, at the December term of the County Commissioners' Court, the probable amount and quality of books, stationery and other articles, necessary for conducting the business of his office for one year.

County officers shall make statement to board of Commissioners at December term, of probable amount etc., of stationery, etc., required.

SEC. 3. The County Commissioners shall, after an examination of such statements, order the purchase of all, or any part of the articles set forth in such statements, if they believe they are necessary for the use of the county, and also are articles that should be paid for by a general tax.

County Commissioners shall make order for purchase of stationery.

SEC. 4. The County Commissioners, after deciding upon the amount and kind of articles they should purchase, shall give notice, in any manner they deem proper, for at least ten days, that they will receive bids for furnishing the supplies demanded, giving specifications of the kind, quality and quantity of articles needed, and that they will give the contract for furnishing them to the lowest responsible bidder, reserving the right to reject all bids.

County Commissioners shall give notice that they will receive bids for furnishing such stationery, etc.

Commissioners may purchase stationery, etc., before annual statement of officers, if necessary.

SEC. 5. If any necessity should exist, in their judgment, for the purchase of any one or more articles before the time of the annual statements of the county officers, or if the supply should become exhausted at any time between such annual statements of the county officers, the commissioners may purchase a sufficient amount of such articles as may be necessary to last until the next annual meeting as aforesaid, for making annual contract for official supplies, at the lowest possible prices.

County officers purchasing stationery without consent of commissioners, it shall be optional with them to pay for same or not.

SEC. 6. If, at any time, any county officer should purchase any article for the use of his office, without the consent of the County Commissioners, it shall be optional with the Commissioners to pay or refuse payment of such bill; as they may think right, and such decision shall be final.

Penalty for county commissioners speculating off county, in purchasing stationery, etc. Penalty for county officer or commissioners, receiving presents or per centage on articles purchased.

SEC. 7. Should any County Commissioner, engage in speculating off his county by charging the county more than the articles cost, he shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding five hundred dollars for each offence, and if any county officer, including County Commissioners, shall be guilty of receiving any present or per centage on articles purchased from any firm engaged in the business of furnishing the counties with books or stationery, or from any agent of such firm, directly or indirectly, or if any such firm or its agent should offer any present or per centage to any county officer in consideration of his influence in obtaining orders or contracts for books or stationery, such officer or firm, or agent shall be deemed guilty of a misdemeanor, and be liable to a fine of not less than one hundred dollars, nor more than five hundred dollars.

Penalty for firm or agent, offering present to or per centage to county officers in consideration of his influence, etc.

Emergency.

SEC. 8. An emergency is hereby declared to exist for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

NOTE.—This bill was delivered to the Governor on Monday, March 15, 1875, and not before.

[Signed]

SAMUEL R. DOWNEY,
Private Secretary.

CHAPTER XVIII.

AN ACT requiring County Auditors to publish a statement of all the allowances made by the County Commissioners.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Auditor of each county of the State shall be required to publish, in a newspaper of the largest circulation in his county, a statement showing all allowances made by the County Commissioners at each term of their Court, to whom the allowances are made; and for what purpose; *Provided*, That the printing thereof shall not exceed five cents for each allowance.

Statement of allowances made by county commissioners, shall be published.

CHAPTER XIX.

AN ACT to amend an act entitled "An act providing for the election and prescribing certain duties of County Surveyors," approved June 17, 1852.

[APPROVED FEBRUARY 25, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Section three of said act shall be so amended as to read as follows: Whenever the owner of any land within this State, after having given ten days notice to the owners of adjoining lands, if such owners reside in the county, and if not, by publication three weeks successively in a newspaper nearest to such land, shall desire to establish, relocate or perpetuate, any corner thereof, or in the same section or line thereof, such County Surveyor shall proceed to make the required surveys and location, and if a corner is to be perpetuated, shall deposit in the proper place a stone or other durable material with the letters and figures answering to such corner, and shall, also, enter in his field notes one or more bearing trees, if there be such, the species and size, course and distance thereof, (and if there be no trees, then he shall deposit one or more stone as witnesses to said corner), all of which proceedings shall be entered by him in a book to be kept for that purpose, the expense of which publication and survey shall be borne equally by all persons

Establishment, relocation and perpetuation of corner. How done.

County Surveyor's duties in such case.

Expense of publication and survey, by whom to be paid, and how collected.

interested, and if any of the persons, thus interested, are nonresidents, the Surveyor shall hand over a certified statement of the amount, due from them for such publication and survey, to the Auditor of the county, who shall enter it upon his tax duplicate against such person and cause it to be collected in the same manner with the taxes assessed against such person.

CHAPTER XX.

AN ACT in regard to the conveyance of the public grounds and buildings, upon the relocation of county seats.

[APPROVED MARCH 9, 1875.]

When board of county commissioners shall convey in fee, to municipal corporations, counties interest in public grounds, where old county seat was located.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when the relocation of any county seat shall have been completed and the books and records removed to the new county seat, and any person or persons, for the purpose of procuring such relocation, shall have paid the county for the public grounds and buildings at the old county seat, as the same shall have been appraised by appraisers, as required by law, it shall be the duty of the Board of Commissioners of such county to convey, in fee, to the municipal corporation where the old county seat was located, all the interest and estate of the county in such public grounds and buildings.

When old public grounds and buildings, where old county seat was located, to be conveyed to municipal corporation and parties released, etc.

SEC. 2. Whenever any person or persons, for the purpose aforesaid, shall have secured the payment of such appraised value of the public grounds and buildings at the old county seat, and there shall have been paid or donated towards the erection of a Court House and the necessary offices at the new county seat, a sum equal to or greater than such appraised value, and such last named Court House and offices shall have been taken possession of and used by the county, upon such relocation being completed, it shall be the duty of the County Commissioners to convey to the municipal corporation, where the old county seat was located, the old public grounds and buildings and release the party or parties who shall have secured the payment therefor.

CHAPTER XXI.

AN ACT authorizing the Boards of Commissioners of counties, where Contracts have been made for the erection of Court Houses and other public improvements, and where the proceeds of the sale of bonds of one *per centum* on the assessed valuation of the property of such counties is insufficient to complete such buildings and other improvements, to issue and sell county bonds to an amount not exceeding one-half of one *per centum* on the assessed valuation of the property of such counties in addition to any bonds which may have heretofore been issued and sold, and declaring an emergency.

[APPROVED FEBRUARY 12, 1875.]

SECTION 1. Whereas, contracts have been entered into by the Boards of Commissioners of certain counties in the State of Indiana for the erection of Court Houses, and other public improvements, and the ordinary revenues, together with one *per centum* on the assessed valuation of the property in such counties, is insufficient for the completion of the same; therefore, Preamble.

Be it enacted by the General Assembly of the State of Indiana, That in counties where such contracts have been so made, the Board of Commissioners of such counties be, and are hereby authorized and empowered to issue and sell bonds to an amount not exceeding one-half of one *per centum* on the assessed valuation of the property of such county, in addition to any loan for said purpose for which bonds may have been heretofore issued, negotiated and sold, and said bonds, when so issued, negotiated and sold, are hereby declared to be valid and binding upon such county, so issuing the same. Board of commissioners in certain counties authorized to issue and sell bonds, not to exceed a certain amount, for purpose of completing unfinished court houses, etc.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, it is hereby declared to be in force from and after its passage. Emergency.

CHAPTER XXII.

AN ACT to legalize bonds and other obligations issued by cities in aid of the construction of Court Houses within their limits.

[APPROVED MARCH 10, 1875.]

Bonds, issued by city to aid in construction of court houses, legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all bonds or other obligations heretofore issued, by any city in this State, to fulfill ordinances and agreements made by the Common Council of such city, upon the petition of a majority of the resident freeholders of such city, with the Board of Commissioners of the county wherein such city is situated, to aid in the construction of a new Court House of such county, within the corporate limits of such city be, and the same are hereby legalized and declared valid and binding obligations of such city, to be paid by such city, as they mature, like other valid obligations of such city.

Emergency.

SEC. 2. There being an emergency, therefore this act shall take effect and be in force from and after its passage.

CHAPTER XXIII.

AN ACT to amend the first, second and third sections of an act entitled "An act regulating the sale of county property, and the letting of buildings and bridges, fences and monuments, and declaring an emergency," approved December 23d, 1872.

[APPROVED MARCH 11, 1875.]

Section 1 amended.

Board of county commissioners shall not make contract for construction of court house or other public building or monument, until plans and specifications have been adopted, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of the above entitled act be amended to read as follows: Section 1. That it shall not be lawful for any Board of County Commissioners in this State to make any contract for the construction of any Court House, jail, or other county or township building or monument, until a plan and specification have been adopted by such Board, and such plan and specification have been deposited in the office of the Auditor of such county, and open to the inspection of the people of such county, and all contracts attempted to be made, in violation of the foregoing provisions, shall be null and void.

SEC. 2. That section second of said act be amended to read as follows: Sec. 2. When it shall become necessary for any Board of County Commissioners of any county in this State to contract any Court House, jail or other county or township building or monument, and plans and specifications have been adopted and deposited in the office of the Auditor of such county and open to public inspection, the said Board shall not contract for or let the building of the same until they have advertised such letting and requested bids for the same for at least six weeks, in at least one newspaper of general circulation in such county, if any is printed therein, and by posting up notices of such building, with the time, plan, place and terms of the same, with a reference to such plans and specifications; *Provided*, That the provisions of this act shall not apply to buildings when the cost of the same shall not exceed five hundred dollars.

Section 2 amended.

Board of county commissioners shall advertise before letting the building of such buildings, etc.

Proviso.

SEC. 3. That section third of said act be amended to read as follows: Sec. 3. Whenever any Board of Commissioners of any county in this State shall have advertised the letting of any Court House, jail, or other county or township building or monument, and the day fixed for such letting, such Board shall let the same to the lowest responsible bidder on the terms in the notice mentioned, and on the plan and specifications so deposited, as in this act provided, and the said Board shall require of such bidder a bond with two good freehold sureties, in a penalty of at least one fourth the cost of such work, conditioned for the faithful performance of such work, according to the plans and specifications so deposited, and the time, terms and conditions mentioned in said advertisement of letting. Said bond shall be the only requirement said Commissioners may demand of such lowest responsible bidder as a qualification for said work.

Section 3 amended.

Board of commissioners shall let construction of building to lowest responsible bidder.

Contractor shall give bond, which shall be only requirement demanded of him, etc.

CHAPTER XXIV.

AN ACT relating to and prescribing some of the duties and liabilities of the Clerks of the several courts of this State, repealing all laws in conflict herewith, and declaring an emergency.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Clerks of the several courts throughout this State shall be and they are hereby authorized to receive money in payment of all judgments, dues

Clerks of courts authorized to receive money in payment of judgments, etc.

Clerk and his sureties liable on bond for moneys so received.

Board of commissioners shall determine amount of bond to be given by clerk and approve same.

Clerk failing to give bond, office of to be vacant.

Clerks hereafter elected to give bond, etc.

Laws repealed.

Emergency.

and demands of record in their respective offices, and all such funds as may be ordered to be paid into the respective courts of which they are Clerk, by the Judge thereof, and said Clerk, with their sureties, shall be liable on their official bonds for all moneys so received by said Clerks, and so paid into such courts under the order of the Judge thereof, to any person who may be entitled to demand and receive such money or funds from them.

SEC. 2. The respective Boards of Commissioners of the several counties throughout the State, shall, at their first regular meeting after the taking effect of this act, determine the amount of bond which shall be required to be given by the respective Clerks of the counties for which they are acting respectively, and every Clerk shall give bond with surety, as is now required by law, in the penal sum fixed by the Board of Commissioners of the county of which he is Clerk, to be approved by said Board, conditioned for the faithful discharge of the duties of his office, and the payment to the proper person or persons of all money that may come into his hands as such Clerk. And if any Clerk shall fail to give such bond on or before the [second] record day of the succeeding term of said Board of Commissioners, his office shall be and the same is hereby declared to be vacant and the same shall be filled, as is now provided by law for the filling of vacancies in said office.

SEC. 3. All Clerks, hereafter elected, shall give bond as is required in the foregoing section.

SEC. 4. All laws and parts of laws, in conflict with the provisions of this act, are hereby repealed.

SEC. 5. An emergency exists for the immediate taking effect of this act, and the same shall take effect and be in force from and after its passage.

CHAPTER XXV.

AN ACT to fix the times of holding Circuit Courts in the Fourth Judicial Circuit, and to repeal all laws in conflict herewith and declaring an emergency.

[APPROVED MARCH 9, 1875.]

4th Judicial Circuit.
Times of holding court in Floyd and Clarke counties, and length of terms.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, The Circuit Courts in the Fourth Judicial Circuits shall be held as follows, to-wit: In Floyd county on the third Mondays of January, April, and October; in Clarke county on the first Mondays of March, Sep-

tember, and December; each Court shall sit five weeks, if the business shall require it.

SEC. 2. Process returnable to the next terms of said Courts, as heretofore fixed, is hereby made returnable to the next terms respectively as fixed by this act; and all orders of Court, recognizances and publications, having reference to the next terms of said Courts, shall be taken as having reference to said next terms respectively as fixed by this act, and all persons shall take notice of the [times] terms of holding said Courts as herein fixed.

Process when returnable.

SEC. 3. All laws, in conflict herewith, are hereby repealed.

Laws repealed.

SEC. 4. An emergency exists requiring the immediate taking effect of this act, it shall therefore be in force from and after its passage, and the Secretary of State shall send immediately a copy of this act to the Clerks of said Courts.

Emergency.

CHAPTER XXVI.

AN ACT To amend Section forty-nine of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas and transferring the business thereof to the the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6, 1873.

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Section forty-nine (49) of the above entitled act be amended to read as follows, to-wit: Section 49. The terms of said court in the Tenth Circuit shall be held in the county of Monroe on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Lawrence on the Mondays succeeding the courts in the county of Monroe; and in the county of Orange on the Mondays succeeding the courts in the county of Lawrence; the courts in the county of Monroe shall continue four weeks, in the county of Lawrence four weeks, and in the county of Orange three weeks at each term, if the business thereof requires it.

Section 49 amended.

10th Judicial circuit. Times of holding court in Monroe county.

In Lawrence county.
In Orange county.
Length of terms.

SEC. 2. This act shall not take effect and be in force, until the first day of July eighteen hundred and seventy-five.

When act to take effect.

CHAPTER XXVII.

AN ACT to amend Section 51 of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding court therein, abolishing the court of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6th, 1873, and declaring an emergency.

[APPROVED FEBRUARY 19, 1875.]

Section 51
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section fifty-one of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Court of Common Pleas, and transferring the business thereof to the Circuit Court, and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6th, 1873, be, and the same is hereby amended to read as follows: The terms of said court in the Twelfth Circuit shall be held in the county of Knox on the first Monday in February, the first Monday in May, the second Monday in September, and the fourth Monday in November of each year.

12th Judicial
Circuit.
Times of hold-
ing court in
Knox, Daviess
and Martin
county.

In the county of Daviess on the Mondays succeeding the courts in the county of Knox, and in the county of Martin on the Mondays succeeding the courts in the county of Daviess.

Length of
terms.

The courts in the county of Knox shall continue four weeks; in the county of Daviess four weeks, and in the county of Martin three weeks at each term, if the business thereof requires it.

Emergency.

SEC. 2. Inasmuch as there is a large amount of business remaining undisposed of, for want of time, in the county of Martin, it is therefore hereby declared that an emergency exists for the immediate taking effect of this act, it shall therefore be in full force and effect from and after its passage.

CHAPTER XXVIII.

AN ACT to amend section two of an act entitled "An act fixing the time of holding Circuit Courts in the Thirteenth Judicial Circuit of this State," approved March 10, 1873.

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section two of an act entitled "An act fixing the time of holding Circuit Courts in the Thirteenth Judicial Circuit of the State," approved March 10, 1873, be so amended as to read as follows: Section 2. The term of said court in the Thirteenth Circuit shall be held in the county of Putnam, on the second Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the County of Clay on the Monday succeeding the Courts in the county of Putnam, except that said term of [said Court in] said county of Clay, succeeding the November term of said Court in Putnam County, shall commence on the first Monday in January. The Courts in the county of Putnam shall continue five weeks, and in the county of Clay five weeks at each term, if the business thereof requires it.

Section amended

13th Judicial circuit; times of holding court in Putnam county.

In Clay county.

Length of terms.

CHAPTER XXIX.

AN ACT to fix the time of holding court in the Nineteenth Judicial Circuit, prescribing the length of the term, repealing all laws in conflict herewith, and declaring an emergency.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the terms of Court, in the Nineteenth Judicial Circuit, shall be held in the county of Hendricks on the first Monday in January, second Monday in March, first Monday in June, fourth Monday in September, and shall hold four weeks, at said March and June terms each, and five weeks at said January and September terms each, if the business requires it.

19th Judicial circuit.

Times of holding and length of terms, in Hendricks county.

Times of holding and length of terms in Marion county.

SEC. 2. In the county of Marion said terms shall be held on the first Monday in December, second Monday in February, first Monday in May, fourth Monday in August, and shall hold until the ensuing term in Hendricks county, when the business requires it.

Emergency.

SEC. 3. It is hereby declared that an emergency exists for the taking effect of this act, and it shall take effect on the first day of April, 1875.

Laws repealed.

SEC. 4. All laws inconsistent herewith are hereby repealed.

CHAPTER XXX.

AN ACT to amend section sixty of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6th, 1873, and providing for the return of process, writs, subpoenas, venires, rules, orders of courts, and recognizances which may have been taken or issued previous to the commencement of said terms, as provided in this act, and declaring an emergency for the immediate taking effect of this act.

[APPROVED JANUARY 29, 1875.]

Section 60 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section sixty of an act approved March 6th, 1873, the title of which is above recited, be and the same is amended to read as follows: Sec. 60. The terms of said court in the Twenty-First Circuit shall be held in the county of Vermillion on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November in each year. In the county of Fountain on the Mondays succeeding the courts in the county of Vermillion, and in the county of Warren on the Mondays succeeding the courts in the county of Fountain. The courts in the county of Vermillion shall continue three weeks; in the county of Fountain four weeks, and in the county of Warren three weeks, at each term, if the business thereof requires it; and all writs, subpoenas, venires, rules, orders of court, recognizances, publications and process whatever, which may have been taken, made or issued from said courts in said counties, or which

Section 60, as amended.

Times of holding circuit court in Vermillion county.

Fountain county.

Warren county.

Length of terms of circuit court in Vermillion. Fountain and Warren counties.

Writs, subpoenas, etc., when returnable.

may hereafter be taken, made, or issued, previous to the commencement of said terms, as herein provided, shall be, and are hereby made returnable on the first day of the term of said courts respectively, to be holden as provided in this act.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, the same shall take effect and be in force from and after its passage. Emergency.

CHAPTER XXXI.

AN ACT fixing the times of holding Circuit Courts and the length of terms thereof in the several counties of the Thirtieth Judicial Circuit of the State of Indiana, and declaring an emergency.

[APPROVED JANUARY 30, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Circuit Courts in the counties composing the Thirtieth Judicial Circuit of the State of Indiana shall be held as follows, to-wit: In the county of Benton on the first Monday of February, third Monday of April, first Monday of September, and third Monday of November in each year; in the county of Jasper on the fourth Monday of February, second Monday of May, fourth Monday of September, and second Monday of December of each year; in the county of Newton on the second Monday of March, on the fourth Monday of May, second Monday of October, and fourth Monday of December of each year; in the county of Pulaski on the first Monday of April, third Monday of June, first Monday of November and third Monday of January in each year.

Times of holding circuit court in Benton county.

Jasper County.

Newton county.

Pulaski County.

SEC. 2. The said courts shall sit as follows: In the counties of Benton and Newton three weeks each term, and in the counties of Jasper and Pulaski two weeks each term, provided the business of said courts shall so long require the sitting thereof.

Length of term of circuit court in Benton, Newton, Jasper and Pulaski counties.

SEC. 3. All parties, witnesses, jurors, officers, and other persons interested shall take notice of this act; and all writs, subpoenas, venires, rules, orders of court, recognizances, publications and process heretofore made or issued, or which may hereafter be made or issued, having reference to or returnable at the next term of said courts as heretofore

Parties, witnesses, jurors, et al to take notice of this act. Writs, subpoenas, &c. when returnable.

provided by law to be held, shall be deemed and taken as having reference to and being returnable at the next term of said courts to be held as provided in this act.

Courts, in session at time of passage of this act, to continue until end of term.

SEC. 4. Any court that may be in session in any county in said Circuit on the taking effect of this act, under the provisions of law heretofore existing, is hereby authorized to continue such session until the expiration of the term, the same as if this act had not been passed.

Repealing clause.

SEC. 5. All laws and parts of laws, in conflict with the provisions of this act, are hereby repealed.

Emergency.

SEC. 6. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

CHAPTER XXXII.

AN ACT to amend an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding the courts therein, abolishing the Courts of Common Pleas, and transferring the business thereof to the Circuit Courts and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March the 6th, 1873, and creating the Thirty-ninth Judicial Circuit, providing for the appointment of a Judge therefor, and repealing all laws and parts of laws inconsistent herewith, and declaring an emergency.

[APPROVED MARCH 5, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section twenty-four of said entitled act be amended to read as follows, to-wit: Section 24. The county of Tippecanoe shall constitute the Twenty-third Circuit.

23d Circuit.

That section thirty of said entitled act be amended to read as follows, to wit: Section 30. The county of Cass shall constitute the Twenty-ninth Circuit.

29th Circuit.

That section thirty-one be amended to read as follows, to-wit: Section 31. The counties of Benton, Newton and Jasper, shall constitute the Thirtieth Circuit.

30th circuit.

SEC 2. The counties of Carroll, White and Pulaski shall constitute the Thirty-ninth Circuit.

39th Circuit.

SEC. 3. That section sixty-two of said entitled act be amended to read as follows: Section 62. The terms of said court in the Twenty-third Circuit shall be held in the

23d Circuit.

county of Tippecanoe on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year, and shall continue so long as the business thereof shall require.

Tippecanoe
county. Terms.

SEC. 4. That section sixty-eight of said act be amended to read as follows, to-wit: Section 68. The terms of said court in the Twenty-ninth Circuit shall be held in the county of Cass on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday of November of each year, and shall continue nine weeks or longer, if the business shall require.

29th Circuit.
Cass county.
Terms.

SEC. 5. The terms of said court in the Thirty-ninth Circuit shall be held in the county of Carroll, on the first Monday in February, the third Monday in April, the first Monday in September, and the second Monday of November in each year; and in the county of White on the fourth Monday in February, the second Monday in May, the fourth Monday in September, and the first Monday in December; and in the county of Pulaski on the third Monday in March, the second Monday of June, the third Monday of October, and the fourth Monday of December in each year; the courts in each of these counties shall continue three weeks at each term, if the business thereof shall require.

39th Circuit.
Carroll, White
and Pulaski
counties. Terms.

SEC. 6. All writs, subpoenas, publications, rules, bonds, recognizances, orders, or process of whatever kind, issued out of any Circuit Court of any of said counties, and made returnable to any term of said court, as heretofore fixed by law, shall be deemed and held to be returnable to the first term of said court as provided by this act.

Writs, sub-
poenas, &c.
heretofore
issued, when
returnable.

SEC. 7. It shall be the duty of the Governor, immediately on the taking effect of this act, or so soon thereafter as practicable, to appoint and commission a Judge for the Thirty-ninth Judicial Circuit, created by this act, who shall hold his office until the general election in October, 1876, and until his successor shall have been elected and qualified.

Governor to
appoint and
commission
Judge for 39th
Judicial circuit.

SEC. 8. All laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Laws repealed.

SEC. 9. Whereas, on account of the large amount of unfinished business now pending in the Tippecanoe and Cass Circuit Courts, an emergency is hereby declared to exist for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Emergency.

CHAPTER XXXIII.

AN ACT to fix the times for holding the courts in the 34th Judicial Circuit.

[APPROVED FEBRUARY 2, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the terms of court in the 34th Judicial Circuit shall be held in the county of Lagrange on the first Monday in February, the fourth Monday day in April, the first Monday in September, and the third Monday in November of each year; and in the county of Elkhart on the third Mondays after the days so fixed for the commencement of court in Lagrange county. The courts shall continue, if the business require it, in the county of Lagrange three weeks at each term, and in the county of Elkhart six weeks at each term, and so much longer as may be necessary, but not beyond the time for commencement of a term in Lagrange county, except it be to finish a trial already begun.

Times of holding circuit court in La Grange county.

Elkhart county.

Length of terms of circuit court in La Grange and Elkhart counties.

Writs, subpoenas &c. when returnable.

Courts in session, at the time of passage of this act, to continue until end of term. Provided, &c.

Emergency.

SEC. 2. All writs, subpoenas, publications, rules, bonds, recognizances, orders or process of whatever kind, returnable to any term of either of said courts as heretofore fixed by law, shall be deemed and held to be returnable to the first term of said court, as provided by this act.

SEC. 3. Any court in session in said circuit at the date of the passage and approval of this act may continue until the expiration of the term, the same as if this act had not been passed: *Provided*, That the court, so in session, shall not continue so as to interfere with the commencement of a term in either of said counties as provided by this act.

SEC. 4. There being an emergency, for the passage of this act, the same shall be in force from and after its passage and approval.

CHAPTER XXXIV.

AN ACT to fix the time for holding court in the counties comprising the Thirty-fifth Judicial Circuit, and declaring an emergency.

[APPROVED MARCH 3, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the terms of the Circuit Court in the Thirty-fifth Judicial Circuit shall be held as follows, to-wit: In the county of Steuben on the first Monday in February, the fourth Monday in April, the first Monday in September, and fourth Monday in November of each year; in the county of DeKalb on the Mondays succeeding the courts in the county of Steuben; in the county of Noble on the Mondays succeeding the courts in the county of DeKalb.

35th Judicial Circuit.
Steuben Co.
Times of holding Circuit Court.

DeKalb Co.

Noble Co.

The courts in the county of Steuben shall continue three weeks; in the county of DeKalb three weeks, and in the county of Noble four weeks, if the business thereof shall require it.

Length of terms of Court.

SEC. 2. All laws and parts of laws, in conflict with this act, are hereby repealed.

Laws repealed.

SEC. 3. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after the first day of April, 1875.

Emergency.

CHAPTER XXXV.

AN ACT to create the Forty-first (41) Judicial Circuit, to amend sections thirty-four (34) and thirty-nine (39) of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6, 1873, and, also, to provide for holding terms of Court in the Thirty-third, (33,) Thirty-eighth, (38,) and Forty-first (41) Circuits, and repealing all laws inconsistent therewith.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section thirty-nine (39) of said act

Section 39 amended.

38th Judicial
Circuit.

be amended to read as follows, to-wit: That the county of Allen shall constitute the Thirty-eighth (38) Circuit.

Section 34
amended.
33d Judicial
Circuit.

SEC. 2. That section thirty-four (34) of said act be amended to read as follows, to-wit: That the counties of Kosciusko and Whitley shall constitute the Thirty-third (33) Circuit.

41st Judicial
Circuit.

SEC. 3. That the counties of Marshall and Fulton shall constitute the Forty-first (41) Circuit.

38th Judicial
Circuit. Times
of holding
Court therein.

SEC. 4. That the terms of courts in the Thirty-eighth (38) Circuit shall be held in the county of Allen on the first Monday in February, third Monday in April, first Monday in September, and third Monday in November of each year, and shall continue ten (10) weeks, if the business thereof requires it.

Length of
Terms of Court.

33d Judicial
Circuit. Times
of holding
Courts therein.

SEC. 5. The terms of court in the Thirty-third (33) Circuit shall be held in the county of Whitley on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year, and in the county of Kosciusko on the Mondays succeeding the courts in the county of Whitley. The length of the terms in the county of Whitley shall be three weeks, if the business thereof shall require it; and in the county of Kosciusko seven weeks, if the business thereof requires it.

Length of
Terms of Court.

41st Judicial
Circuit. Times
of holding
Courts therein.

SEC. 6. The terms of court in the Forty-first (41) Circuit shall be held in the county of Fulton on the first Monday of February, the fourth Monday of April, the first Monday of September, and the fourth Monday of November in each year, and in the county of Marshall on the Monday succeeding the courts in the county of Fulton. The length of the terms in the county of Fulton shall be three (3) weeks at each term, if the business thereof shall require it; and in the county of Marshall seven (7) weeks at each term, if the business thereof requires it.

Length of
Terms of Court.

Writs,
Subpoenas, &c.
When
returnable.

SEC. 7. All writs, subpoenas, publications, rules, bonds, recognizances, orders, or process of whatever kind, issued out of any Circuit Court, and made returnable to any term of said court, as heretofore fixed by law, shall be deemed and held to be returnable to the first term of said court as provided for by this act.

Laws repealed.

SEC. 8. All laws, in conflict with this act, are hereby repealed.

Emergency.

SEC. 9. An emergency exists for the immediate taking effect of this act, the same, therefore, shall be in force from and after its passage.

CHAPTER XXXVI.

AN ACT to establish City Courts, in cities having a population of over six thousand inhabitants, defining their jurisdiction and the mode of procedure therein.

[APPROVED MARCH 12, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the legal voters of any incorporated city, having a population of over six thousand inhabitants, may, at any special election, elect a City Judge, if the Common Council, by proper order duly entered of record, shall have so directed; such Judge shall have the qualifications required for Judges of the Circuit Court, and shall have the jurisdiction and powers as in this act is provided, and shall hold his office for the term of four years, and until his successor shall be elected and qualified.

When Incorporated City may elect City Judge.

Qualifications of such Judge.

Term of Office of Judge.

SEC. 2. When the Mayor of such city shall certify to the Governor that said city has a population of over six thousand inhabitants, and that a person, (naming him,) has been duly elected to the office of City Judge, the Governor shall issue his commission to such Judge (as in like cases,) but before such Judge shall enter upon the discharge of his duties he shall take and subscribe to the oath of office as required by Judges of the Circuit Courts, and shall execute his bond, with two or more responsible free-hold sureties, payable to the State of Indiana, in the penal sum of five thousand dollars, conditioned that he will faithfully and to the best of his ability, perform the duties of his said office, and that he will pay over to the persons entitled thereto all moneys that may come into his hands by virtue of his office, which bond shall be filed in the office of the Clerk of the Circuit Court of such county.

Commissioning of such Judge.

Oath and Bond of such Judge.

SEC. 3. The style of such court shall be "The Court of the city of _____," according to the name of the city, and shall have original concurrent jurisdiction with Justices of the Peace in all matters civil and criminal of which Justices of the Peace have, or may hereafter have jurisdiction, and in all such cases such court shall be governed by the laws of this State relating to the jurisdiction, powers, duties of, and practice before Justices of the Peace, except as in this act is otherwise provided. Such court shall also have original concurrent jurisdiction with the Circuit Court in civil causes where the amount in controversy does not

Style and Jurisdiction of such Court.

exceed fifteen hundred dollars, except in actions of slander or libel, divorce, or foreclosure of mortgages on real estate, and when the title to real estate is in issue, and excepting also all matters relating to the settlement of decedents estates, the appointment of guardians and matters connected therewith, and in all such cases of which Justices of the Peace would not have jurisdiction. Such court shall be governed, as far as may be, by the laws, rules, practice and pleadings governing proceedings in the Circuit Courts of this State, except as in this act is otherwise provided.

Rules by which such Court to be governed.

Original concurrent jurisdiction.

Pros. Att'y, his deputy, or other attorney, may prosecute pleas of State and receive fees, &c.

When civil causes of which Justices have jurisdiction shall stand for issue and trial in such Court.

Seal.

Shall be Court of Record. Its territorial jurisdiction, and force and effect of judgments, &c.

Process of such Court; issuing of and by whom served.

Rules and regulations for conducting business of such Court.

SEC. 4. Such City Court shall also have original concurrent jurisdiction with the Circuit Court and Justices of the Peace in the trial of cases of misdemeanors upon affidavit, and any Prosecuting Attorney or his deputy, or any attorney at law may appear before such court and prosecute the pleas of the State, and shall be entitled to the fees allowed to Prosecuting Attorneys in such cases.

SEC. 5. All civil causes, triable in such court, of which Justices of the Peace would have jurisdiction, shall stand for issue and trial when the summons shall have been served on the defendant six days, or publication made thirty days.

SEC. 6. Such Judge shall provide a seal for such court, which shall contain on the face, the words "City Court of _____ Indiana," filling the blank with the name of the city and county, a description of such seal, together with an impression thereof, shall be spread on the records of said court.

SEC. 7. Said City Court shall be a court of record of general jurisdiction, except as in this act is otherwise provided, and shall, in all cases, extend throughout the corporate limits of the city in the township or townships wherein such city is situated, and all its judgments, decrees, orders and proceedings shall have the same force and effect as those of the Circuit Court, except that the same shall not be a lien on real estate, otherwise than as is provided by taking transcript, and the same shall be enforced in the same manner as liens by transcript from Justices of the Peace in similar cases.

SEC. 8. The process of said court shall be issued by the Judge, and shall have the seal affixed and be attested, directed to the Sheriff or any Constable, or to the Marshal of such city, served and returned, and be in form as is, or may be provided for processes issuing from the Circuit Court.

SEC. 9. Such Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of said court, not repugnant to the laws of this State, and shall have all the powers incident to a court of

record, in relation to attendance of witnesses, the punishment of contempts, and enforcing its orders, to issue commissions for the taking of depositions in cases pending in said court. Such Judge shall have full authority to administer oaths, take and certify acknowledgements of deeds and other instruments, to solemnize marriage, and give all necessary certificates for the authentication of the records and proceedings in said court.

Judge may administer oaths, take acknowledgements, solemnize marriage, &c.

SEC. 10. Such court shall be held in such city, at such place as shall be provided therefor, and shall, at all usual business hours, be deemed open for the transaction of any business that may be before it; such Judge shall be his own Clerk, issue all process, and shall keep a true and correct record of all proceedings had before him. The Common Council of such city shall provide for the use of said court well bound order books, judgment dockets, and fee books, in which said Judge shall record all orders, judgments, and decrees, and sign the same, and enter a minute of all judgments and decrees in the judgment docket, and shall keep a true record of all fees in the proper fee book, in the same manner as such records are kept by Clerks of the Circuit Courts. Such judgments may only become a lien upon real estate by filing, in the office of the Clerk of the Circuit Court, a transcript of such judgment, and upon the recording of such transcript in the order book of said Circuit Court, such judgment shall become a lien, the same as judgments rendered by such Circuit Court, and execution may issue on such record of such transcript, in the same manner and for the same reasons as executions are issued on transcript from the dockets of the Justices of the Peace, and no real estate, or any interest therein, shall be sold on any writ issued from said City Court.

Times and place of holding such Court.

Judge shall be his own clerk, and keep record in books, to be provided by Common Council.

How judgments of such Court may become a lien on real estate.

Real estate shall not be sold on writ of such Court.

Change of Venue.

SEC. 11. Changes of venue may be taken from such court, for such causes, and in such manner, and upon such terms, as is provided for changes of venue in causes before Justices of the Peace, and in causes of which Justices of the Peace have jurisdiction, the same shall be sent to some Justice of the Peace competent to try the same, but in cases of changes of venue, of all other cases, the same shall be sent to the Circuit Court of the county, where the same shall be entered upon the docket of such court, and shall be there tried as if originally instituted in said court.

Trial on change of venue.

SEC. 12. All issues of fact, pending in such City Court, shall be tried by the Judge, unless either party demand a jury, which jury shall consist of six qualified voters of the county, (unless the party calling for the jury demand twelve jurors,) to be summoned by any Constable, Sheriff, or City Marshal by venire issued by the Judge.

Trial may be by Judge or Jury.

New trials.

SEC. 13. New trials may be granted by such Judge at any time within ten days after rendering judgment, according to the usages in the Circuit Court, notice of the motion therefore having been given to the opposite party, unless such motion is made in his presence, or in the presence of the agent or attorney who conducted his suit, and when a new trial is granted, the Judge shall set a day therefor, and shall cause at least three days notice to be given to the party against whom such new trial has been granted.

Appeals.

SEC. 14. Any party may appeal from any final judgment or decree of such City Court, to the Circuit Court of such county, within thirty days from the rendition thereof, in the same manner in which appeals are taken from the judgments of Justices of the Peace, and such appeal shall be deemed to be properly taken if the same would be good if taken from a Justice of the Peace; *Provided, however,* that when a party shall have acquired any lien by virtue of any transcript filed and recorded as herein provided, from which an appeal is taken, such lien shall be deemed as continued in force until such cause shall be tried and entered of record in the Circuit Court.

Liens shall be continued in force in cases of appeal.

Executions and orders of sale, when, and to whom issued.

SEC. 15. Such Judge shall issue executions and orders of sale on all final judgments and decrees as follows: On judgments and decrees by confession, within four days from the rendition thereof; on all other judgments and decrees, at the expiration of ten days from the rendition thereof, unless the same be stayed as provided by law, and in such cases he shall issue such executions or orders of sale at the expiration of such stay, unless the judgment plaintiff, or his attorney shall otherwise direct. All orders of sale, and all executions, when the amount exceeds three hundred dollars, shall be directed to the Sheriff of the county, and all other executions may be directed to any Constable of the county or Marshal of such city.

Marshal, his deputy, or Constable, may be required to act as bailiff to such Court, and be allowed fees therefor.

SEC. 16. Such Judge may require the Marshal of such city or his deputy, or any Constable, to attend his court during the progress of any trial, to preserve order, to serve process, and to perform the general duties of bailiff to his court, and in all cases of which Justices of the Peace would have jurisdiction, such Marshal or Constable shall be allowed such fees as are allowed by law in such cases in Justices Courts; in all other cases they shall receive such fees as are allowed by law to the Sheriff for like services in the Circuit Court, to be collected as other costs of suit.

Fees of Judge of said Court.

SEC. 17. In all cases of which Justices would have jurisdiction, such Judge shall be entitled to, and receive the same fees as are allowed by law to Justices of the Peace; in all other cases he shall be allowed one dollar for trial,

and a docket fee of one dollar and fifty cents in each case, and also such fees as are allowed to the Clerks of the Circuit Court for like services, and in cases of jury trials he shall receive two dollars, and if such trials shall last more than one day he shall have two dollars per day during the continuance of such trial, after the first day, to be collected as other costs of suit in the courts of this State, and for any other official services, such Judge may perform, he shall receive such compensation as are usually allowed by law in such cases.

SEC. 18. If such Judge shall desire to be absent from such city for more than twenty days, he may appoint any attorney at law of said county as a Judge *pro tem.*, which appointment shall be in writing and spread on the records of said court; such Judge *pro tem.* having first taken the proper oath, and said oath properly recorded, may, during the absence of said Judge, perform all the duties of such Judge, and be entitled to the fees that the Judge would be entitled to. Such Judge shall be responsible on his bond for all the acts of such Judge *pro tem.*; *Provided*, That such appointment shall be valid for sixty days only, and no longer.

Appointment of
Judge *pro tem.*

SEC. 18. There being no stated salary provided for such Judge, he may be permitted to practice law in such cases as can not come before him.

Judge of such
Court may
practice law.

SEC. 20. Whereas, an emergency exists, this act shall be in force from and after its passage.

Emergency.

CHAPTER XXXVII.

AN ACT to authorize the Judges of Criminal Courts in this State to issue writs of habeas corpus.

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Criminal Circuit Judges of this State shall have full power to issue writs of habeas corpus, within their respective counties, and hear and determine the same in favor of all persons arrested and held upon any charge in violation of the criminal laws of this State, and admit to bail, or discharge the prisoner, in the same manner and to the same extent, and under the same rules and regulations, as Judges of the Circuit Court are now authorized by law to do, and not otherwise, nor to any greater extent.

Judges of Crim.
Cir. shall have
power to issue
writs of habeas
corpus.

CHAPTER XXXVIII.

AN ACT supplemental to "An act to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of Judges thereof." Approved February 15th, 1871.

[APPROVED MARCH 9, 1875.]

Appointment of
Judge *pro. tem.*
of Superior
Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That if from any cause, either of the Judges of a Superior Court shall be unable to attend and preside at any term of said court, or during any part of a term, such Judge may appoint, in writing, any attorney eligible to the office of such Judge under the law of appointment by Circuit Judges, or any other Judge of a court of record of this State, to preside at such term or part of term. In the absence or failure of such Judge to make such appointment, the other Judges of said court may make such appointment. Such written appointment shall be entered of record in said court, and if the appointee is not a Judge of a court of record, he must be sworn, and such appointee shall have the same power and authority during the continuance of his appointment, as a regularly elected Judge of said court, and shall receive the same compensation now allowed by law to persons appointed in cases of sickness of a Judge of a Circuit Court.

When such Judge
to be sworn.
Powers and
compensation
of such Judges.

Judges of
Superior Court
entitled to
copies of Re-
ports of
Supreme Court.

SEC. 2. For each county where a Superior Court is organized, four additional copies of the reports of decisions of the Supreme Court hereafter published, shall be supplied to the Secretary of State, to be distributed to such county in the manner now provided by law for copies for the use of other courts.

Emergency.

SEC. 3. An emergency is hereby declared for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage.

CHAPTER XXXIX.

AN ACT to establish a Superior Court in the county of Tippecanoe, defining its jurisdiction, providing for the election and compensation of the Judge thereof; to abolish the Criminal Court of said county, and transferring its business to the Circuit Court thereof.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be, and hereby is established a Superior Court in said county of Tippecanoe, which shall consist of one Judge, who shall hold his office for four years, and until his successor shall have been elected and qualified, if he shall so long behave well. Such Judge shall be elected at the general election next after the taking effect of this act. Said court shall be styled the "Superior Court of Tippecanoe county."

Superior Court instituted in Co. of Tippecanoe, with one Judge

Judge, his term of office, and when to be elected.

Style of Court.

SEC. 2. The Judge of said court shall cause to be provided a seal for said court, which shall contain on its face the words, "Superior Court of Tippecanoe county," and such device as he may think proper. A description of said seal, together with an impression of the same, shall be spread upon the order book of said court: *Provided*, That until such seal is procured, the Clerk may seal with his private seal in scroll, all process which, by law, is required to be sealed.

Seal.

SEC. 3. The Clerk of the Circuit Court, and the Sheriff of the county, shall be, respectively, the Clerk and Sheriff of said court, and for their services, they shall each be entitled to such fees, as are, or may be allowed in the Circuit Court for like services.

Clerk and Sheriff of said Court, and their fees.

SEC. 4. The Clerk and Sheriff shall attend said court, and discharge all the duties pertaining to their respective offices as they are now, or may hereafter be required to do, by law, in the Circuit Court, and all laws now in force, or which may be enacted, prescribing the duties and liabilities of such officers, and the mode of proceeding against them, or either of them, for neglect of official duty, allowing fees, and providing for the collection thereof, in the Circuit Court, shall be held and deemed to extend to said Superior Court, as far as they apply.

Clerk and Sheriff, their duties, liabilities, &c.

SEC. 5. The said Court shall hold its sessions at the Court House of the county, or at such other convenient place as the Board of County Commissioners or the Judge of said court may provide at the county seat.

Place of holding such Court.

Times of holding, and length of terms of such Court.

SEC. 6. The terms of said court shall commence on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November, of each year, and shall continue in session so long as the business thereof requires it.

Adjournment of Court.

SEC. 7. The Judge of said court may adjourn the same on any day previous to the expiration of the term for which it may be held, and, also, from any one day in the term over to any other day in the same term, if, in his opinion, the business of the court will admit thereof.

When term of Court may be extended.

SEC. 8. Whenever a trial is begun and in progress, at the time when, by law, the term of such court would expire, the term shall be extended until the close of the trial.

In case Judge shall not attend, Clerk may adjourn Court.

SEC. 9. In case such court shall not be formed at any time, or any term thereof shall be interrupted by reason of the non-attendance of the Judge thereof, it shall be lawful for the Clerk of said court to adjourn the same from day to day, or until the next term, and all process and other proceedings shall be continued over accordingly.

Jurisdiction of Court.

SEC. 10. Said court, within and for the county, shall have original concurrent jurisdiction with the Circuit Court in all civil causes, and jurisdiction concurrent with the Circuit Court in all cases of appeals from Justices of the Peace, Boards of County Commissioners, and Mayors or City Courts in civil cases, and all other appellate jurisdiction in civil causes now vested in, or which may hereafter be vested by law in the Circuit Courts, and said court shall also have concurrent jurisdiction in all actions by or against executors and administrators.

Process of Court, how issued.

SEC. 11. The process of said court shall have the seal affixed, and be attested, directed, served and returned, and be in form, as is or may be provided for process issuing from the Circuit Court.

Such Court shall be a Court of Record and general jurisdiction, force and effect of judgments, decrees, &c. Powers of Court in vacation.

SEC. 12. Said court shall be a court of record, and of general jurisdiction, and its judgments, decrees, orders and proceedings shall have the same force and effect as those of the Circuit Court, and shall be enforced in the same manner.

SEC. 13. The said court, or the Judge thereof in vacation, shall have power to issue and direct all process to courts of inferior jurisdiction, and to corporations and individuals, which shall be necessary in exercising the jurisdiction hereby conferred, and for the regular execution of the law, and to make all proper judgments, sentences, decrees, orders, and injunctions, and to issue all process and executions, and to do such other acts as may be necessary to carry into effect the same, in conformity with the constitution and laws of the State.

SEC. 14. The Judge of said court shall have the same power, in term time, or in vacation, to grant restraining orders, injunctions and writs of *ne exeat*, to issue writs of *habeas corpus*, and of mandate, and prohibition, to appoint Receivers, Master Commissioners, and Commissioners to convey real property, and to grant commissions for the examination of witnesses, and to appoint other officers necessary to facilitate and transact the business of said court, as is now, or may hereafter be conferred on Circuit Courts, or the Judges thereof.

Powers of Court
in term time.

SEC. 15. The Judge of said court shall have full power and authority to make and adopt rules and regulations for conducting the business of the court, not repugnant to the laws of this State, and shall have all the power incident to a court of record in relation to the attendance of witnesses, the punishment of contempts, and enforcing its orders, and the Judge of said court shall have full authority to administer oaths, solemnize marriages, take and certify acknowledgements of deeds, and to give all necessary certificates for the authentication of the records and proceedings in said court.

Rules and regulation
of
business, and
powers of Court.

Judge may administer oaths,
solemnize marriages, take
acknowledgments, &c.

SEC. 16. If the Judge of said court shall be interested, or in the progress of the cause shall become interested, in the event of any action or matter pending in said court, the same shall be removed for hearing and determination to the Circuit Court of the county.

Removal of
cases to Cir.
Court.

SEC. 17. Whenever an affidavit for a change of venue is filed in said court for any of the causes embraced in the first, second, sixth, or seventh specifications of the 207th section of the act commonly known as the Practice Act, some Judge of a Circuit or Superior Court shall be called to hear and determine the same as provided by law for changes of venue in causes pending in the Circuit Court. And if the causes alleged in the affidavit and embraced in the third, fourth, or fifth specifications of said section 207, then the change shall be granted, and the cause directed to the Circuit Court of some other county, as provided in cases of changes of venue from the Circuit Court, and the court to which the case is sent, shall have jurisdiction to hear and determine the cause, and render judgment therein.

Change of
venue.

SEC. 18. The Clerk shall, under the direction of the Judge, provide for said court, order books, judgment dockets, execution dockets, fee books, and such other books as may be necessary, and all the books and papers, and proceedings of said court, shall be kept distinct and separate from those of other courts.

Order books,
judgment dock-
ets, and other
records for said
Court, shall be
provided.

SEC. 19. The same docket fees shall be taxed in the said court as are now, or may be, provided by law to be taxed in the Circuit Court, and the said fees, when collected, shall

Docket Fees.

be paid by the Clerk to the Treasurer of the county, to be applied in reimbursing the county for expenses of said court.

Petit Jury,
selection of for
said Court.

SEC. 20. On the third Monday before the commencement of any term of said court, the Clerk, Treasurer, Auditor, and Recorder of such county, or a majority of them, shall proceed to select a petit jury, in manner as is now provided by law, to serve at the next ensuing term of said court, and said officers, in selecting, and the Clerk in issuing process for said jury, and the Sheriff in serving the same, shall, in all things, be governed by the rules and regulations prescribed for the selection of petit jurors for the Circuit Court: *Provided*, That said court may order on what day of the term said jurors shall be summoned to attend said court. The Judge of said court may also order the selection and summoning of other jurors for said court whenever the same may be necessary.

Court may
order on what
day Jury to be
summoned to
attend, and
also order other
Jurors to be
summoned.

Fees of Jurors
and witnesses.

SEC. 21. Jurors and witnesses, in attendance upon such court, shall receive the same fees now provided by law for jurors and witnesses in the Circuit Court.

Appeals in
vacation.

SEC. 22. In all cases, where, under existing or future laws of this State, a person has the right of appeal from the Circuit Court, or a Judge thereof in vacation, to the Supreme Court, an appeal may be had from said Superior Court, or the Judge thereof, in vacation.

Salary of Judge
and payment
of same.

SEC. 23. The Judge of said court shall receive the same salary, as is now provided by law to be paid to a Judge of a Superior Court, which salary shall be paid at the same time, and in the same manner, as Judges of Superior Courts are now paid.

Vacancy in
office of Judge
to be filled by
appointment of
Governor.

SEC. 24. It is hereby declared, that on the taking effect of this act, there is a vacancy in the office of Judge of said Superior Court, and the Governor shall fill said vacancy by appointment, and the person, so appointed, shall hold his office until such time as an election is provided for in this act, and until his successor is elected and qualified.

Criminal Court
of Tippecanoe
co. abolished.

SEC. 25. That the Criminal Court, of said county, be, and the same is hereby abolished, and all laws, and parts of laws creating the same, are hereby repealed.

Indictments,
&c., in said
Criminal Court
shall be trans-
ferred to Circuit
Court.

SEC. 26. That all indictments, pleas, or business of whatsoever kind, which shall be pending in said Criminal Court at the time of the taking effect of this act, shall be transferred to, and be tried and disposed of by the Circuit Court of said county, and all process, rules, or recognizances returnable to said Criminal Court, shall be returnable to said Circuit Court.

Time of taking
effect of this
act.

SEC. 27. This act shall take effect and be in force from and after the first day of August, 1875.

CHAPTER XL.

AN ACT to prohibit the sale, gift, or bartering of deadly weapons or ammunition therefor, to minors.

[APPROVED FEBRUARY 27, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be unlawful for any person to sell, barter, or give to any other person, under the age of twenty-one years, any pistol, dirk, or bowie-knife, slung-shot, knucks, or other deadly weapon that can be worn, or carried, concealed upon or about the person, or to sell, barter, or give to any person, under the age of twenty-one years, any cartridges manufactured and designed for use in a pistol.

Unlawful to sell, barter or give to minors deadly weapons or cartridges for pistol.

SEC. 2. *Be it further enacted,* That any person who shall violate any of the provisions of the foregoing section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five dollars, nor more than fifty dollars.

Penalty.

CHAPTER XLI.

AN ACT in relation to the settlement of claims against decedents' estates.

[APPROVED MARCH 11, 1875.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever a claim shall exist in favor of an executor or administrator against the estate he represents, which accrued before the death of such decedent, the same shall be filed against said estate, with the affidavit of the claimant attached, to the effect that the same is justly due and wholly unpaid, and placed upon the dockets of the court having jurisdiction of the estate against which said claim is filed, thirty days before the commencement of the term of said court, during which said claim is to be presented for allowance. And the Judge of said court shall represent said estate, and shall examine into the nature of

Claims against decedent's estate, filing examination, allowance, and payment of same.

Judge shall represent estate.

When Court shall appoint attorney to oppose allowance of claims.

Pleadings, &c., in such cases.

Allowance for service of such attorney.

On petition, heir, legatee, et. al., shall be allowed to defend such claim, &c.

Payment of cost in such cases, by whom to be paid.

Laws repealed.

said claim, and if the same be by said court deemed just and right, said court shall allow said claim and order the same paid out of said estate, as other claims of the same class, and said court may, in its discretion, examine under oath such executor or administrator, or any other person touching such claim; and if such court shall be of the opinion that the interests of said estate will be promoted by active opposition to such claim, it shall be the duty of such court to appoint a practising attorney of said court to represent said estate, and the same pleadings, issues and trial may be had as in other civil cases, which shall be governed by the same rules and regulations that prevail in pleading and practice in the Circuit Court of the county where such trial is had; and such court shall allow to such attorney, to be paid out of said estate, such fees for his services as may be deemed by said court just and right, and no attorney shall be allowed compensation for representing the estate of a decedent, except when appointed in pursuance of this act.

SEC. 2. In all cases where a claim is filed against the estate of a decedent, any one or more of the heirs, legatees, or devisees of such decedent, or creditors of his estate, upon written petition to the court, shall be allowed, at his or their own expense, to defend such claim, notwithstanding the executor or administrator of the decedent may prefer to allow, or shall have allowed such claim, but such petition must be filed with the clerk of the proper court within six months after such claim shall be filed against such estate, and not afterwards. And if in any such case, such claim shall be reduced twenty-five per cent., or more, below the amount claimed, the court shall order the costs and all expenses, incurred in contesting said claim, paid out of such estate, but in case of failure to so reduce said claim, said person or persons, so contesting said claim, shall pay all costs occasioned thereby.

SEC. 3. All laws and parts of laws coming in conflict with any of the provisions of this act are hereby repealed.

CHAPTER XLII.

AN ACT legalizing the record and acknowledgments of deeds and mortgages heretofore recorded in any county of this State, when the official character of the officers taking the acknowledgements were not certified to as required by law, and authorizing the record of such deeds and mortgages to be read in evidence, and making such record notice to third persons.

[APPROVED MARCH 4, 1875.]

WHEREAS, It has been represented to this General Assembly that deeds and mortgages have been recorded in several counties of this State contrary to law, the same having been acknowledged before a Justice of the Peace or other officer not having or using any official seal, no certificate of their official character and qualifications being attached to said instruments, as required by law, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the record and acknowledgement of all deeds of conveyance and mortgages, heretofore recorded in any county of this State, the acknowledgements of which were taken and certified by any Justice of the Peace or other officer not having or using an official seal, residing in any county of this State, other than the one in which such instrument is recorded, or any such instrument acknowledged by any such officer residing without this State and within the United States, the official character of such officer not having been certified to by the proper officer, as required by law, be, and the same are hereby legalized, and all such acknowledgements and the recording of such deeds and mortgages are hereby declared to be valid and effectual to all intents and purposes.

SEC. 2. Every such deed and mortgage, as described in the preceding section, heretofore recorded in the county in which the land embraced in such conveyance is situate, shall be deemed and taken as full notice of all rights and equities of every person holding any such conveyances, or having any interest therein, to all persons whomsoever, subsequent to the filing and recording of the same, and it is hereby declared that such conveyances, so recorded, shall have the same force and effect as if the official character and signature of the officers taking acknowledgement thereof had been duly certified to as required by law.

Preamble.

Acknowledgment, and recording of certain deeds and mortgages legalized.

Such deed and mortgage recorded, to be full notice of all rights of every person holding such conveyance, &c.

Record and transcript of such deeds or mortgages shall be evidence, &c.

SEC. 3. Any deed or mortgage acknowledged, as herein before stated, which may have been recorded in any county in this State before the passage of this act, and any record or transcript, duly certified or proved, may be read in evidence in any case now pending, or hereafter commenced in any court of justice, without proof of the execution thereof, and shall have the same force and effect as if the acknowledgement thereof has been duly certified, as required by law, and the same recorded subsequent to the passage of this act.

Emergency.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, and it shall be in force from and after its passage.

CHAPTER XLIII.

AN ACT to amend section thirty (30) of an act entitled "An act granting the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27, 1847, so as to authorize the Common Council, by ordinance and conveyance, to transfer the property, control, and management of burying grounds and cemeteries to a corporation or corporations, or voluntary association or associations, competent to take, hold, and manage the same.

[APPROVED MARCH 12, 1875.]

Section 30 amended.

Common Council shall have control of finance and property of city, and power to make, alter, &c. by-laws and ordinances, for prevention and regulation, &c., for what purposes and on what subjects.

Gaming.

Intoxicating liquors.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section thirty of the above entitled act be, and the same is hereby amended to read as follows, viz: Section 30. The Common Council shall have the control and management of the finances, and of all the property, real and personal, belonging to said city, and shall have full power and authority, for and within said city, to make, establish, publish, alter, modify, amend and repeal by-laws and ordinances, rules and regulations for the following purposes, and on the following subjects, to-wit:

1st. To restrain and prohibit all kinds of gaming, and every kind of fraudulent or immoral practice or device within said city.

2nd. To restrain and prohibit the selling or bartering of any spiritous liquors, or ardent spirits, or beer, porter, ale, cider or wine, drank in or about the house, store, shop, grocery, out-house, yard or garden of the person selling the

same, unless licensed to do so according to the by-laws and ordinances passed and ordained by said Common Council.

3d. To restrain and prohibit the selling, bartering or giving away of any ardent spirits or intoxicating liquors to any person already intoxicated, or who may be known to be in the habit of getting drunk, or to any person, less than twenty-one years of age, without the consent of her or his parent, or guardian, master, or mistress.

Selling intoxicating liquor to person intoxicated, minor, et. al.

4th. To prohibit all shows, exhibitions, and amusements which, in the opinion of the said Common Council, are demoralizing to society, or calculated to detract from the peace and good order of said city.

Shows, exhibitions and amusements.

5th. To prevent drunkenness in the streets, public indecency and riot, noise, disorder, disturbance, and disorderly assemblies.

Drunkenness.

6th. To suppress and restrain disorderly houses of all kinds, whether taverns, groceries, coffee-houses, or any other kind of houses, houses of ill-fame, billiard and other gaming tables, nine or ten pin alleys, and ball alleys, and to authorize the demolition and destruction of all instruments of gaming.

Disorderly houses.

7th. To compel the owner of any piece of ground, grocery, tallow chandlery, soap factory, tannery, stable, barn, privy, slaughter-house, sewer, or other place, to cleanse the same from time to time, as often as may be deemed necessary for the health, comfort, or convenience of the inhabitants of said city, and to remove, abate, or destroy the cause which renders such house or place unhealthy or uncomfortable.

Tallow chandlery, soap factories, privies, &c. Cleansing and abating of same.

8th. To direct the location of all powder houses, slaughter-houses, tallow chandler's shop, soap factories, distilleries, and all other houses, factories, and shops that may detract from the health or comfort of the inhabitants of said city, and if thought necessary, to prohibit altogether the erection or continuance of all or any such shops, factories, houses, and establishments within the limits of said city.

Powder houses, slaughter houses, &c., location of.

9th. To regulate the keeping and conveying of gunpowder, and all other combustible and dangerous materials, and the use of candles and lights in barns and stables.

Gunpowder, and other combustible materials.

10th. To prevent horse-racing and immoderate riding or driving of horses or other animals in the streets, and to prohibit persons having the charge of horses or mules from leaving them in the streets while in gears, without first unfastening or unhitching the chains, traces, or yoke by which they draw, or hold up the tongue or shafts of the dray, wagon, cart, sled, carriage, buggy, hack, coach, gig, or other vehicle or carriage to which any such horse or

Horse racing, immoderate driving, and leaving horses, &c., attached to vehicles in streets without being fastened, &c., &c.

mule may be hitched or attached, or without by some other means securing such horses or mules, so that they can not run away with any such vehicle or carriage.

Encumbering of streets, alleys, wharves, &c.

Public buildings and grounds. Injury to and trespass upon same.

Bathing in Ohio river, Pigeon creek and Canal, within what limit may be prohibited.

Vagrants, prostitutes, et al.

Running at large of animals and fowls.

Dogs.

Dead carcasses and other unwholesome substances.

11th. To prevent the encumbering of the streets, lanes, alleys, sidewalks, wharves, landings, market places, and public grounds and buildings with carriages, drays, carts, boxes, barrels, lumber, timber, firewood, coal or any other substance or material whatsoever, and to prohibit persons from trespassing upon or injuring public grounds and buildings, and from riding, leading, hauling, or driving animals, wagons, carts, drays, carriages, and other things, upon, along, or across sidewalks, or in any other manner injuring the same, and from digging up the streets, alleys, lanes, landings, wharves and public commons, or in any otherwise unnecessarily injuring the same.

12th. To regulate and determine the times and places of bathing and swimming in the Ohio river and Pigeon Creek, and in the canal, and to prohibit bathing and swimming in the Ohio river opposite said city and within one half mile above and below the limits thereof, and in Pigeon Creek within half a mile of the limits of said city, and in the canal within said city and within half a mile beyond the limits thereof, if the Common Council shall deem it proper to prohibit the same.

13th. To restrain and punish vagrants, mendicants, street beggars and common prostitutes.

14th. To restrain, regulate, or prohibit the running at large of cattle, horses, swine, sheep, goats, geese, ducks, turkeys, chickens, and other animals, and to authorize distraining, impounding and selling the same for the penalty incurred and costs of proceeding.

15th. To prevent, restrain and regulate the running at large of dogs and bitches, and to authorize the destruction of the same when at large, contrary to the by-laws and ordinances of the city.

16th. To prohibit all persons from bringing, depositing or keeping within the limits of said city, or within one-half mile thereof, any dead carcass or other offensive or unwholesome substance, and to require and compel the destruction or removal thereof by any person who shall be the owner thereof, or by his own act or consent have the same upon or near his premises, whether the same be a dead animal or any part of one, putrid or unsound beef, pork, hides, fish, or skins of any kind, or other unsound or unwholesome substance whatever, and on the default of such person, to authorize the destruction or removal thereof, at his expense, by the proper officer or person.

17th. To prohibit the rolling of hoops, flying of kites, playing at ball, or long bullets, shooting, or using fire-arms, fire crackers, or unnecessarily using any other thing, instrument or practice, having a tendency to annoy, or endanger, or injure, or destroy persons or property within said city, or to frighten teams or horses within said city.

Hoops, kites,
fire-crackers,
fire-arms, &c.

18th. To compel all persons to keep the snow, mud, ice and dirt, and trash of all kinds off the sidewalks, and to clear and keep clean the gutters and streets in front of, and alleys in the rear of the premises, by them occupied or owned.

Snow, ice, dirt,
&c., on side
walks, &c.

19th. To prevent the disorderly blowing of horns, ringing of bells, crying of goods or other things, and all other unnecessary noises to the disturbance of citizens.

Blowing of
horns, ringing
of bells, &c.

20th. To abate and remove nuisances, and to declare what shall be deemed nuisances, and punish, by suitable penalties, the person or persons causing or continuing the same, or suffering the same to remain on his, her, or their premises, or both abate and punish at discretion; and for the purpose of declaring what shall be deemed nuisances, and abating the same, or causing and compelling the same to be abated, and punishing persons for causing, continuing or suffering the same, as aforesaid; the Common Council shall have jurisdiction over both land and water one mile beyond the limits of the city in all directions.

Nuisances—re-
moval of.

21st. To restrain and regulate carriers and runners to and from steamboats, canal boats and stages.

Territorial
jurisdiction of
Common Coun-
cil.

Carriers and
runners.

22d. To regulate and license drays, wagons, carts, hacks, and carriages which may be kept in said city to be hired or used for hire or reward.

Licensing of
drays, wagons,
&c.

23d. To ascertain by survey, and mark and establish the boundaries and limits of said city, and all enlargements thereof, and of the streets, alleys, lots, and blocks therein.

Boundaries.

24th. To regulate the burial of the dead, to purchase and provide common burying grounds, hearses, and other things necessary to burial, and appoint one or more sextons, and prescribe his or their duties: *Provided, however,* That the

Burial of the
dead.

Common Council, in its discretion, may, at any time, when one or more corporations or voluntary associations shall be duly formed, under the laws of this State, for such purpose, and upon such terms, as may be agreed upon between the parties, by ordinances, duly passed, authorize a conveyance, by deed of said city to any such corporations or associations, all such real estate and other property, as has been or may be hereafter, by this city purchased and held for the purpose herein contemplated, and by ordinances may be transferred to any such corporation or corporations, or association or associations, the sole control and management of any burying grounds or cemetery, now or hereafter held by said city, and from and

Voluntary asso-
ciations for
such purposes.

after the making of any such conveyance, and the passage of any such ordinances, all property, claim, and demand of said city, and all right of control, or management over any such lands, grounds, burying grounds, cemetery or cemeteries, shall immediately pass to and rest in said corporation or association, and any such conveyance shall operate to transfer to and rest in any such corporation or association any right of entry or action which the city may have or acquire, or which might otherwise accrue to it, in any lot conveyed by said city to any individual upon condition subsequent.

Bills of mortality.

25th. To provide for the keeping of bills of mortality and returning the same at times and places appointed for that purpose, and to impose suitable fines or penalties upon physicians, sextons, and others, for any default in keeping or returning the same.

Gauging, weighing of hay, measuring of wood, Coal, &c.

26th. To regulate gaugings, the place and manner of selling and weighing hay, the place and manner of selling and measuring or weighing wood for fuel, lime, and coal, and to appoint suitable persons to superintend and conduct the same.

Bread.

27th. To regulate the quality of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Public wells, cisterns, &c.

28th. To make, establish, and regulate public wells, cisterns, reservoirs, and pumps, and to prevent the unnecessary waste of water.

Water for city.

29th. To provide for the furnishing of the said city and the inhabitants thereof with water.

Public pounds.

30th. To establish and regulate public pounds.

Firing of guns, pistols, &c.

31st. To prevent the firing of guns, pistols and all other fire-arms and fireworks within said city.

Erection of wooden buildings.

32d. To prohibit and prevent the erection of wooden buildings in such parts of said city as they may think proper.

Market houses, hospital, and other public city buildings, erection of same.

33d. To erect and establish market houses, market places, a hospital, a council house, a city jail, engine houses, and houses for common schools, and to regulate and govern, and from time to time, enlarge, repair, remove and rebuild the same, or build new ones, and to prescribe rules and regulations for the use and management thereof, and to prescribe the time and manner of vending produce and provisions in such market houses and market places, and to prohibit the sale, by retail, of meat, vegetables, eggs, butter, chickens, turkeys, geese, ducks and other fowls, during market hours, at any other place than the market houses and market places so established and erected.

Forestalling and regrating.

34th. To restrain and prevent forestalling and regrating.

35th To prevent and guard against damage by fire, to purchase fire engines and fire apparatus, to organize fire companies, and regulate and govern the same, and to prescribe and regulate the duty and conduct of the members of fire companies, and of other persons in relation to fires and property removed into the streets or elsewhere, to prevent its destruction by fire.

Fires, fire engines, &c.
Purchase of same.

36th. To regulate the general police of said city.

Police.

37th. To compel the attendance of the members of the Common Council; to appoint all officers and agents they may deem proper and necessary to carry into full effect the powers hereby conferred, and to prescribe their powers and duties, and to require them or any or either of them to give bond, with security for the faithful discharge of such duties, and all officers and agents so appointed, may hold their office during the pleasure of the Common Council.

To compel attendance of members of Common Council.

38th. To regulate and establish and provide for the payment of the fees and salaries of all officers and agents by them employed.

Fees and salaries of officers.

39th. To regulate the streets, alleys, and sidewalks, and all improvements and repairs thereof, and the said Common Council shall have the exclusive right and power of taxing persons residing in said city, and real and personal property situated therein, for the purpose of making such improvements and repairs, whether such improvements or repairs consist of grading, paving, ditching, or any thing else; and no person residing in said city shall be compelled or required to work any road without the city, nor shall any property, lying or being within the city, be taxed for the purpose of making, opening, improving, or repairing any road or bridge without the limits of said city: *Provided*, That nothing herein contained shall prevent the Board of Commissioners of Vanderburgh county from making such appropriations of the revenue of the county, as are or may be authorized by law for the building, purchase, or repair of bridges, either within or without the limits of said city.

Streets, alleys and sidewalks.
Improvement of same, &c.

40th. To take stock in any chartered company for making roads to said city, or for watering said city, and in any company authorized or empowered by the Board of Commissioners of Vanderburgh county to build a bridge on any road leading to said city, and to establish, maintain, and regulate ferries across the Ohio river, from the public wharves of said city: *Provided*, That no stock shall be subscribed or taken, by the Common Council, in any such company, unless it be on the petition of two-thirds of the residents of said city, who are free-holders of the city, distinctly setting forth the company in which stock is to be taken, and the

Taking of stock in railroads, water-works, and other companies.

Ferries.

Such stock in companies not to be taken unless on petition of two-thirds of residents, &c.

Council shall have power to borrow money and levy tax for such purpose.

number and amount of shares to be subscribed: *And, provided also*, That in all cases where such stock is taken, the Common Council shall have power to borrow money and levy and collect a tax on all real estate, (either inclusive or exclusive of improvements at their discretion,) for the payment of said stock.

41st. To borrow money for the use of the city of Evansville.

Opening of new streets, alleys, &c., and to alter, widen, &c., the streets, &c.

42d. To lay out, open, and make new streets and alleys, highways and wharves, and to alter, contract, widen, or discontinue any street, alley, or public wharf now made, or hereafter to be made in said city, subject to the rules and regulations hereinafter contained.

Sale of property at auction.

43d. To prohibit or permit, and regulate the sale of horses and other animals and merchandise, and all other kinds of property, real or personal, at auction in the street, stores, shops, or elsewhere within the city, and to appoint and license auctioneers and regulate their conduct.

Wharves.

44th. To regulate all wharves on the shore of the Ohio river in front of or adjoining said city, whether the same be public or private, and the amount of wharfage to be charged at or for the use of the same.

Revenue.

45th. To levy and collect a revenue for the use of the city of Evansville in the manner hereinafter prescribed.

Thieves, robbers and burglars.

46th. To prevent injuries to the inhabitants of the said city, or their property from thieves, robbers, burglars and all other persons violating the public peace.

Board of health.

47th. To establish a Board of Health for said city, and to invest it with such powers, and impose upon it such duties as may be deemed necessary or proper to preserve the health of said city, and secure the inhabitants thereof from the evils, distress and calamities of contagious, infectious, malignant diseases by the adoption and execution of such rules, orders and regulations as may be deemed by such Board of Health, proper to prevent the commencement, continuance, or spread of any such disease; to provide for the proper organization of such Board of Health, and the election or appointment of officers thereof, and to make such by-laws and rules for its government and support as shall be required for the prompt performance of its duties and the lawful exercise of its powers.

City watch.

48th. To establish, organize and maintain a city watch, and define the powers and prescribe the duties thereof.

Taverns, groceries, coffee houses, and places where ale, beer, porter, wine and intoxicating liquors are sold.

49th. To regulate all taverns, groceries, coffee-houses, and ale and porter shops, houses and cellars, and all other houses, and places where beer, ale, porter, wine, or cider is sold by retail, or where spiritous liquors are sold by a less quantity than a quart, and all other houses of public entertainment

in said city, and all theatrical exhibitions and concerts, and all other exhibitions of whatever name or nature, to which admission is obtained by the payment of money or any other reward, and to regulate all ferries across the Ohio river, from said city or from in front thereof to the opposite shore.

50th. The said Common Council shall have the exclusive power to grant licenses to tavern keepers, retailers of spiritous liquors by a less quantity than a quart, keepers of ale, porter, cider, and wine shops, houses and cellars, and all other houses and places of public entertainment, and showman and keepers and managers of theatrical exhibitions, concerts, menageries, circuses, and all other exhibitions for money or other reward; and auctioneers, keepers of ferries across the Ohio river from, or from in front of said city, and persons vending at retail, goods, wares, merchandise, or personal property of any kind or description, at or upon boats or water crafts, of any kind, lying in the canal within said city, or in the Ohio river between said city and middle of said river, whether such boat or water craft be resting upon or in anywise fastened to the shore or bottom of the river, or floating and anchored, or otherwise made stationary in the river, and in granting such licenses, as by this act the Common Council are authorized to grant, said Common Council shall charge such sum, or sums of money, as they may think fit and reasonable, and annex to such licenses such terms and conditions as in their opinion the peace, good order, and general interests of the city may require; and if any person so licensed, shall be convicted of violating any such condition, or suffering it to be done by any person in his employ, whether such conviction be upon information and proceedings had thereon, to prove and establish such violation only, or in action brought to recover the penalty prescribed for such violation, the Mayor or other officer, acting as such, shall have full power and authority to suspend for a limited time or wholly annul such license, and enter up judgment accordingly.

51st. To regulate and prescribe the manner of the construction of chimneys, fire-places, stove pipes and hearths, and to compel the alteration of such as are improperly constructed, and to make and enforce all such rules, by-laws and ordinances as may be proper or necessary to prevent the destruction of property by the careless or improper use of fire and lights, or by the improperly or carelessly placing hay or any other highly combustible substance so near to a chimney, fire-place, or stove, or other place where fire is kept or used, as to make it liable to be

Construction of chimneys, fire-places, &c., and destruction of same, and placing combustible material near thereto.

burned, and in order to enforce such rules, by-laws, and ordinances, the Common Council shall have the power to appoint fire wardens, and define their powers and prescribe their duties.

Emergency

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act. It shall, therefore, be in force from and after its passage.

CHAPTER XLIV.

AN ACT to amend sections 36 and 58 of the act entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27, 1847, and adding a supplemental section thereto, abolishing the office of City Collector of said city, and requiring the City Treasurer to perform the duties of City Collector, and construing the 41st clause of the thirtieth section of the charter of said city, with an emergency clause thereto.

[APPROVED MARCH 12, 1875.]

Improvement
or repairs of
streets and
alleys.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the fifty-eighth section of an act entitled "An act granting to the citizens of the town of Evansville in the county of Vanderburgh, a city charter," approved January 27, 1847, be amended to read as follows: Section fifty-eight (58.) Whenever the owners of lots, or parts of lots, shall desire to have any improvements or repairs made in, or upon any street or alley, or part of any street or alley, in front, in rear, or adjoining such lots, or parts of lots, by grading, paving, graveling, curbing, guttering, laying sidewalks, or in any other way, and the owners of five-eighths of the whole number of front feet of ground on each side of the street or alley, or part of street or alley, proposed to be improved, shall, by themselves or agents, express their desire, by petition, to the Common Council, stating in such petition distinctly and plainly the kind of improvements or repairs desired to be made, or when the Common Council shall, by a vote of two-thirds of all the members thereof, without petition, determine that any such improvement or repairs are necessary, it shall be the duty of the Common Council to cause such improvements or repairs to be made in the best and most economical manner; and the cost and expenses thereof shall be assessed and charged on all lots,

Petition for
such improve-
ments to Com-
mon Council.

Vote of two-
thirds of Com-
mon Council
without
petition.

Order for such
improvements
to be made.

Costs of such
improvement,

or parts of lots fronting or abutting on, or adjoining the street or alley, or part of street or alley, or part of alley so improved or repaired, as aforesaid, equally per foot fronting, abutting, or adjoining said improvements; and the said expenses shall be assessed and charged to said lots, or parts of lots so adjoining or abutting upon such street or alley, in the manner pointed out and provided by general ordinances, and from the time of such assessment and charge upon said lots, or parts of lots, upon the proper books or accounts of the city, in conformity with such ordinance, the said assessment shall form, constitute and be a lien upon such lots, or parts of lots, and take precedence of all other liens thereon, except taxes; and the Common Council may provide, by general ordinance, for the collection of the costs and expenses of any such repairs and improvements, and provide, also, by such ordinance, for the sale and conveyance of the fee simple, or any other interest in such lots, or part of lots, on which such costs and expenses shall remain unpaid, and such sale shall vest a good and indefeasible title in the purchaser to the estate or interests so sold and conveyed. Public notice of the time and place of every such sale shall be given, by publication, in a newspaper printed and published in the city, for at least once a week, for three weeks successively next before the sale. In all cases, however, if the Common Council shall so order, said costs and expenses may be collected by an action to enforce the lien heretofore created and provided for, as other liens are enforced against real estate in any court of general jurisdiction, and no informality of any order of the Common Council, directing the making of any such improvements, or repairs, nor in the making of the assessment and apportionment of the costs and expenses of the same, upon such lots, or part of lots, shall vitiate any sale or conveyance made under the provisions of this act, and the ordinances thereunder, duly passed, nor afford the defendant a defence in any action for the collection of any such costs and expenses, or for the enforcement of the lien therefor, provided, such improvement or repairs are made in substantial conformity with the provisions of this act, and the ordinances passed for carrying the same into effect: *Provided, That* in all cases, where real estate is sold without foreclosure proceedings in court, the same rights of redemption shall exist as are now allowed. In case of sale for taxes, and in all cases where real estate is sold by foreclosure, the same right of redemption shall exist as now exists upon ordinary foreclosures.

assessments
how made
and collected.

Redemption of
property so
sold.

Section 36,
amended.

Appointment of
City Assessor,
and how he
shall qualify.

Appointment of
more than one
Assessor may be
made, &c.

Office of City
Collector abol-
ished, and
duties of such
office to be
performed by
City Treasurer
to be elected at
April election.

City may issue
bonds to pay
floating debt.

Emergency.

SEC. 2. That section 36 of said act entitled "An act granting to the citizens of the town of Evansville in the county of Vanderburgh a City Charter," approved January 27th, 1847, be amended to read as follows: Section thirty-six (36). After the second Monday in April and before the first Monday in May, (or as soon thereafter as it can conveniently be done), in each year, the Common Council of said city shall appoint an Assessor, who, before entering upon the discharge of his duties, shall take an oath to truly, faithfully and impartially, discharge his duties as Assessor, and also give bond with freehold security, payable to the city of Evansville, and conditioned for the faithful discharge of such duties, which bond shall be to the satisfaction of, and approved by the Common Council; *Provided*, That the Common Council may appoint more than one Assessor, if they deem it expedient to do so, and if more than one Assessor be appointed, they shall act either in conjunction or severally, as the Common Council shall order or direct.

SEC. 3. From and after the expiration of the term of office of the present City Collector of the city of Evansville, the office of City Collector of said city shall be, and is hereby abolished, and all the duties heretofore performed by said City Collector shall, from and after the election and qualification of the City Treasurer, who shall be elected at the ensuing April election in said city, be performed by the City Treasurer; and all laws and parts of laws, ordinances, parts of ordinances and rules concerning said office of City Collector or the duties to be performed by the City Collector, shall be construed to mean and apply to said City Treasurer.

SEC. 4. That it is and may be lawful for the City of Evansville, Indiana, in pursuance of the forty-first clause of section thirty (30) of its charter, to issue its bonds for any sum, not exceeding five hundred thousand dollars, for the purpose of raising money to pay its floating debt and funding the same, said bonds shall bear interest, not exceeding six per centum per annum, and shall not run longer than thirty years; and principal and interest may be payable in currency, gold coin of the United States, or British Sterling at London in England, or in any city of the United States.

SEC. 5. An emergency is hereby declared to exist for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

[CHAPTER XLV.]

AN ACT to amend section twenty-one of an act entitled "An act to establish a Female Prison and Reformatory Institution for Girls and Women, to provide for the organization and government thereof, and making appropriations," approved May 13th, 1869.

[APPROVED MARCH 11, 1875.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That section twenty-one of "An act to establish a Female Prison and Reformatory Institution for Girls and Women, to provide for the organization and government thereof, and making appropriations," approved May 13th, 1869, be amended to read as follows, to-wit: Section 21. If any girl under the age of sixteen years, shall, under existing laws, or under those which may hereafter be enacted, be tried by any court of competent jurisdiction, for any criminal offense for which she might, on conviction, be sentenced for any period of time to be imprisoned in the proper county jail, it shall be competent for the court or jury, by which the case may be tried, at their discretion, on conviction, to substitute confinement in the reformatory department of the institution created by this act, for imprisonment in the county jail, and such confinement shall be until the infant attains the age of eighteen years, unless sooner lawfully discharged by the Board of Managers or otherwise.

Section 21,
amended.

Girls under sixteen years of age, on conviction of criminal offense, may be confined in Reformatory Institution instead of County Jail, &c.

SEC. 2. This act shall be in force from and after its passage.

Emergency.

CHAPTER XLVI.

AN ACT to repeal section fifty-five of an act to amend an act entitled "An act to authorize and regulate the business of general banking," approved March 3d, 1855, and providing for turning into the general fund certain funds therein named, and declaring an emergency.

[APPROVED FEBRUARY 27, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of two thousand eight hundred and fifteen dollars and forty-five cents, being the amount held by the State of Indiana in trust for the redemption of the notes of banks organized under the provisions.

Amount held in trust, for redemption of certain bank notes, turned over to general fund..

of the act of March 3d, 1855, in relation thereto, whose assets have been taken possession of by the State of Indiana, under the provisions of said act, be, and the same is hereby turned over to the general fund.

Redemption of
such bank
notes.

SEC. 2. When any of the notes of said banks, having assets as aforesaid, are presented for redemption, it shall be the duty of the Auditor of State to issue his warrant on the Treasurer of State for the distributive share such note or notes may be entitled to.

Repealing
clause.

SEC. 3. *Be it further enacted*, That section fifty-five of an act entitled "An act to amend an act to authorize and regulate the business of general banking," approved March 3d, 1855, be, and the same is hereby repealed.

Emergency.

SEC. 4. An emergency exists, therefore this act shall be in full force from and after its passage.

CHAPTER XLVII.

AN ACT to amend section two (2) of act entitled "An act to amend sections two (2) and six (6) of an act entitled 'An act providing for a Geological Survey, and for the collection and preservation of a geological and mineralogical cabinet of the Natural History of this State, and creating the office of State Geologist, defining his duties, fixing his salary, and appropriating a sufficient amount of money to defray the necessary expenses of said survey, and for the collection and preservation of said cabinet,'" approved March 7, 1873.

[APPROVED MARCH 10, 1875.]

Section 2,
amended.

\$8,000.00 annu-
ally appropriat-
ed and placed
in charge of
Indiana State
Board of Agri-
culture, to
carry out pro-
visions of this
act.

State Geologist
shall file de-
tailed state-
ment, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section two (2) of the above entitled act be, and the same is hereby amended so as to read as follows: That in order to further provide for carrying the provisions of this act into effect, the sum of eight thousand dollars (\$8,000) be, and the same is hereby annually appropriated out of any funds in the State Treasury, not otherwise appropriated, and placed in charge of the Indiana State Board of Agriculture, to be disbursed by them in accordance with the provisions herein made and provided for; and it shall be the duty of the State Geologist to file with the Secretary of the Indiana State Board of Agriculture a detailed statement, accompanied with vouchers

for all money expended by said State Geologist in carrying out the provisions of this act.

SEC. 2. An emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage. Emergency.

CHAPTER XLVIII.

AN ACT providing for publication of official matter in German newspapers, and declaring an emergency.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in any county containing fifteen thousand or more inhabitants, and wherein a newspaper in the German language is published, all public notices of sales of real estate for delinquent taxes, or by virtue of any execution, order or decree of any court of record, in such county, and all other public notices of official matter by the county authority, now by law required to be published in any newspaper, shall, in addition to the publication heretofore required, be published in one of the German newspapers having general circulation in such county, and said notice shall be published in such German paper in the same manner, and for the same time such notices now are required to be made and published.

When notices of sale for delinquent taxes and other official notices shall be published in German newspaper.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act from and after its passage. Emergency.

CHAPTER XLIX.

AN ACT to amend the fifth section of an act entitled "An act to prohibit the collection of tolls on gravel, turnpike, macadamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent therewith," approved March 5th, 1859, and declaring an emergency.

[APPROVED FEBRUARY 25, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fifth section of the above entitled act be, and the same is hereby amended so as to read

Sec. 5 amended

When Court shall make special finding, showing wherein road is out of repair.

On request of defendant, Court shall give day in which to make repairs. Repairs shall be made under supervision of engineer, who shall be appointed by court, at expense of defendant. Report of engineer, and action of court upon same.

Exceptions to engineer's report, and trial upon same.

Costs, when to be taxed against defendant. Forfeiture to apply to what extent of road.

Forfeiture not to apply to rights, contracts, &c., which existed before forfeiture

Emergency.

as follows, to-wit: Section 5. If the court before whom any case under the provisions of this act may be heard, after hearing all the proofs and allegations, and being satisfied as to all the material facts, shall find that the road has been suffered to get, and remain out of repair, so as to come within the provisions of the second section of this act, such court shall make a special finding, showing wherein the road is so out of repair, and upon the request of defendant, shall give day to the defendant, to make the needed repairs, within such time as the court shall direct; such repairs shall be made under the supervision of a competent civil engineer, to be appointed by the court, at the expense of the defendant, who shall make his sworn report, in writing, to the court, at the expiration of the time fixed by the court for making such repairs. If such civil engineer shall report that the road has been properly repaired, then the court shall enter judgment for the defendant. If the report shall be adverse to the defendant, then judgment shall be entered against the defendant on the original finding of the court; *Provided*, that either party may file written exceptions to the report of the civil engineer, upon which a trial shall be had as in the first instance, and the finding and judgment of the court shall be final as to said court. All costs in cases where repairs are ordered, shall be taxed against the defendant; *Provided, however*, such forfeiture shall only apply to so much of said road lying in such county as has been proven to be out of repair, as set forth in the second section of this act; *And be it further provided*, That in all cases where the court shall declare a forfeiture under the provisions of this act, such forfeiture shall in no wise effect any right, contract, suit or liability which existed prior to such forfeiture, but the same shall have the same force and effect as though such forfeiture had never been decreed.

SEC. 2. Inasmuch as an emergency exists for the immediate taking effect of this act, the same is declared to be in force from and after its passage.

CHAPTER L.

AN ACT legalizing extensions of plank, gravel and turnpike roads beyond their terminal points mentioned in the articles of association of companies making such extensions, to authorize such companies to take tolls for travel over such extensions, and to authorize such extensions to be hereafter made, providing for the inspection of such roads, and what shall be the effect of such inspections, and curing certain defects in the articles of association of such companies.

[APPROVED MARCH 5, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where Boards of County Commissioners in granting right of way to plank, gravel and turnpike road companies for their roads over public highways, have done so upon condition, or have imposed it upon such companies as a duty, to extend their roads beyond their terminal points, or either of them, as shown in the articles of association of such companies, it shall be lawful for such companies to collect tolls for travel over such extensions, and such extensions shall be as much a part and property of such companies as if embraced in their articles of association.

When Gravel Road and other companies may collect tolls on extension of their road.

SEC. 2. Any extensions of such roads heretofore or hereafter made, in the absence of the condition or requirement mentioned in the preceding section, are hereby legalized and made valid and parts of the road and property of the companies making them; *Provided*, That where such extensions have, or shall be made over public highways, the right to collect tolls for travel over such extensions shall not accrue, unless the Board of County Commissioners of the proper counties has granted, or shall grant to such companies the right of way over such highways for such extensions.

Extension of such roads in certain cases legalized.

Right to collect tolls on such extension not to accrue, unless County Commissioners have granted right of way, &c.

SEC. 3. Any plank, gravel, or turnpike road company heretofore, or hereafter organized, may apply to the Board of County Commissioners where such company is organized, for the appointment of an inspector of its road, and such Board of Commissioners shall appoint a competent Civil Engineer of the county, who shall view and inspect such road and make his report at the next regular or special meeting thereof in writing. The report shall state the number of miles of the road, if any, completed, so as to authorize the taking of tolls for travel thereon; and such

Inspector of gravel and other roads, appointment of.

Inspector shall make report.

report, if it shows that three consecutive miles of such road have been completed, as aforesaid, shall be conclusive evidence in any trial that so much of said road is so completed, and of the right of such company to take tolls for travel over all of said road so completed; *Provided*, That the term three consecutive miles shall not be so construed as to require water courses to be bridged, across which such road runs, where there are not three miles of road on either side of the stream; *Provided further*, That nothing in this act shall be construed as repealing or affecting section 10 of "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12th, 1852. The report herein provided for, may be appealed from to the Circuit Court of the proper county by such company, if not satisfied therewith, and if favorable to the company, then by any person interested in the same manner that appeals are taken from the decision of the Board of County Commissioners, and upon the trials of such appeal such report shall be deemed and held to be *prima facie* correct. The Inspector herein provided for shall be paid by such company the sum of five dollars per day for his services, and such company shall pay all other costs of such application and report.

Three consecutive miles.

Sec. 10 of Act of May 12, 1852, not repealed, &c.

Appeal from report of such inspector.

Per diem of such inspection, and costs of such application and report, payment of same.

Failure to mention in articles of association, state or county of organization, &c., not to invalidate organization.

SEC. 4. Where any gravel, plank, or turnpike road company has organized in any county of this State for the purpose of constructing a plank, gravel, or turnpike road in such county, by filing articles of association in the Records, office of such county, and moneys have been expended in the construction of the road, the failure to mention, in the articles of association, the State or county of the organization, or location of the road, or the place of residence of the stock subscribers, shall not have the effect to invalidate such organization, but the same shall stand as though such omissions, or any of them, did not occur.

CHAPTER LI.

AN ACT requiring the officers of certain corporations, therein named, to make out and publish annual statements, and providing penalties for the violation thereof.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Board of Directors of every Gravel Road Company, Turnpike, Macadamized, or Plank Road Company, organized under any law of this State, or doing business in this State, to cause to be made out during the first week in July of each year, commencing with July, 1875, a full and complete statement of all moneys, rights, credits, property, and assets of every kind owned or held by said company, together with the amount of its liabilities. Also, showing the amount of capital stock, and the gross receipts for the preceding year, with the amount paid out for repairs, for improvements, on account of litigation, on account of its officers, and on account of all other expenses which shall be properly classified; which statement shall be sworn to by the members of the Board of Directors, and attested by the Clerk or Secretary thereof, and shall be published within fifteen days after the first day of July in each year, in one newspaper of general circulation, printed and published in each county, into, or through which any part of the road of such company may run, the same to be published two consecutive weeks in such paper.

Board of directors of gravel road, turnpike and other companies, shall make out, annually, sworn statement, and have same published.

SEC. 2. If any of the officers of any of the corporations, named in section one, shall fail or refuse to comply with the provisions of this act, they shall each be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined in any sum not less than five or more than twenty dollars for each day that they shall so fail or refuse to comply with the provisions of this act.

Penalty for failing to comply with provisions of this act.

CHAPTER LII.

AN ACT repealing an act entitled "An act to amend sections three and fourteen of an act entitled an act to allow County Commissioners to organize Turnpike Companies when three-fifths of the persons, representing the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and provide for the same to be free," approved March 6th, 1865, approved March 9th 1867, and all the act entitled "An act authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the laws on that subject," approved March 11, 1867, approved March 14, 1869, and declaring an emergency.

[APPROVED MARCH 13, 1875.]

Acts repealed. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act repealing an act entitled "An act to amend sections three and fourteen of an act entitled 'An act to allow County Commissioners to organize Turnpike Companies, when three-fifths of the persons, representing the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and provide for the same to be free,' approved March 6th, 1865, approved March 9th, 1867, and all the act entitled "An act, authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the laws on that subject," approved March 11th, 1867, approved May 14th, 1869, be, and the same are hereby repealed, except section twenty of said last recited act, and all other laws authorizing an assessment or collection of any tax or assessment for the construction of any plank, macadamized, or gravel road purposes in this State; *Provided, however,* That this act shall in no wise be construed to interfere with assessments heretofore collected or paid for the benefit or construction of any plank, macadamized, or gravel road company; *And, provided further,* That this act shall in no wise be construed to revive the acts repealed by the act repealed by this act.

Saving clause.

Proviso.

Emergency.

SEC. 2. There being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage.

CHAPTER LIII.

AN ACT to amend section five of an act entitled "An act regulating the adoption of heirs," approved March 2d, 1855, and declaring an emergency.

[APPROVED FEBRUARY 27, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section five of an act entitled "An act regulating the adoption of heirs," approved March 2d, 1855, be and the same is hereby amended so as to read as follows, to-wit: Section 5. Such court shall not adopt such child, if it have a father or mother living, unless such father or mother appear in open court and give consent thereto; *Provided*, That if such petitioner show, by two competent witnesses, that the residence of such father or mother be unknown, then such court may adopt such child; *And, provided further*, That if such child be, at the time of filing and hearing such petition, an inmate of the House of Refuge for Juvenile Offenders, or of the Indiana Reformatory Institution for Women and Girls, committed thereto by law, for other reason than the conviction for crime, or incorrigibility, such petition may be filed in any Circuit Court or Superior Court of this State, and upon the filing of the written consent of the Board of Control or Board of Managers of such institutions, to such adoption, then such court may adopt such child.

Section 5 amended.

Adoption of child in case it has father or mother living.

Adoption of child, in case it be an inmate of House of Refuge or of Indiana Reformatory Institution for Women and Girls.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER LIV.

AN ACT providing for the incorporation of State, District and County Horticultural Associations, describing their powers, duties and privileges, and matters properly connected therewith, and declaring an emergency.

[APPROVED MARCH 10, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That associations of persons for horticultural purposes, whether State, District or County

How State Horticultural Association may be incorporated.

How District or County Horticultural Associations may be incorporated.

Associations, may become incorporated in the manner following: An association of persons, known as a State Horticultural Society, may become incorporated by depositing in the office of the Secretary of State, a certified copy of the articles of association, with the name assumed, and a description and an impress of the seal, adopted by such association. An association of persons, known as a District or County Horticultural Association, may become incorporated by depositing in the office of the Recorder of the county, where such association is organized, a statement, under the seal of a State Horticultural Association, showing that such district or county associations was organized for horticultural purposes, and is entitled to representation in such State Horticultural Associations at its annual and official meetings, and that such district or county association has consented to elect at least one delegate, to represent such association in the annual and official meetings of such State Horticultural Society, and at the same time deposited, in said office, the name by which said association shall be known, with a description of the seal adopted, which statement, so deposited with such Recorder, shall be by him recorded in the miscellaneous record, for which he may charge and collect the sum of fifty cents, and thereupon such State, District or County Horticultural Association, by the name they shall assume, shall become bodies corporate and politic, with perpetual succession, and may by such name, sue and be sued, contract and be contracted with, plead and be impleaded, and may take, hold and convey real and personal property, and may make all such by-laws, rules and regulations for the government of such associations, and the management of their affairs and property, as to them may seem best, not inconsistent with the laws of this State.

Amount of real estate such association may purchase, &c.

Such associations may each purchase, improve or sell, not exceeding at any one time, one hundred acres of land, for the use and purposes of such association; may erect thereon such buildings as they may deem proper for the use of such association, and the improvement of said land.

State Horticultural Association shall hold annual meeting.

SEC. 2. It shall be the duty of any State Horticultural Association, organized under the provisions of the first section of this act, to hold at the city of Indianapolis, or some other place in this State, to be selected by such association at its preceding meeting, an annual meeting for the purpose of deliberating and consulting as to the wants, prospects and conditions of the horticultural interest of the people of the State, at which meeting the district and county horticultural associations may be represented by at least one or more delegates each, as such State association shall provide for, and such district and county associations shall forward, by

Representation of District Horticultural Associations at such annual meeting.

such representatives, the report of the condition and prospects of such district or county associations, to the said State Horticultural Society, and such State Horticultural Society, with such representatives as shall be present, may authorize their President and Secretary to make such annual report, as they shall direct, to the Governor, to be by him presented to the next General Assembly, which report, amongst other things, shall state the amount of money received from the State and other sources, and the disposition of the same, to whom, and for what purpose paid, together with a brief summary of the discussions of said society, giving the condition of horticulture, and the recommendations of district and county associations, copied from their reports, and a summary of the condition and wants of horticulture throughout the State, with such recommendations as may seem for the interest of horticulture, and its encouragement in the State.

Reports of such District and County Association.
Report of such State Association to Governor to be presented to General Assembly.

SEC. 3. Such State Horticultural Association, having complied with the foregoing provisions, shall be entitled to the occupancy and use of any unappropriated room in the Capital, or other building used or occupied by the State, to be designated as the Department of Horticulture, and such society, occupying the same, may deposit therein a library, and such specimens of horticultural industry and representations of the same, with such collections of insect specimens or birds, as are injurious or beneficial to horticultural products in this State, with such floral specimens and representations as shall be collected by such association, all of which articles, and such others, as such association shall collect and deposit in such room, as is in this section mentioned, shall, under such regulations as such society may adopt, be subject to the inspection and examination of the people of this State, and such society shall hold such until otherwise ordered, under rules and regulations to be by them adopted, or the interest of horticulture may require; and may adopt such by-laws for their protection and good order, as they may deem necessary, not inconsistent with the laws of this State.

State Horticultural Association shall have room in capitol or other building, for occupancy, library and display of specimens, &c. which shall be open to inspection, &c., of the public.

SEC. 4. There being now no law providing for the incorporation and wants of horticulture, an emergency is declared to exist for the immediate taking effect of this law, the same shall therefore be in force from and after its passage.

Emergency.

CHAPTER LV.

AN ACT increasing the capacity of the Indiana Hospital for the Insane, by additional buildings, creating departments therein, and declaring an emergency.

[APPROVED MARCH 11, 1875.]

Indiana Hospital for Insane. Provisional board, of whom to be constituted.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor of the State, the Board of Commissioners of the Indiana Hospital for the Insane, the Superintendent of the Indiana Hospital for the Insane, *ex officio*, and one other citizen of the State, to be appointed by the Governor, shall be and constitute a Board of Commissioners, to be known and designated as the Commissioners for the Indiana Hospital for the Insane, Provisional Board.

Meetings of said board of Commissioners, President of &c.

SEC. 2. The Board of Commissioners, provided for in section one of this act, shall meet in pursuance of notice ordered by the Governor, who shall be, *ex officio*, President of the Board, at such time and place as he may designate, for permanent organization, within thirty days after the passage of this act, and thereafter, at such times and places as may be in accordance with the rules and regulations provided by themselves for the government of the Board, not in violation of the law of the State.

Powers and duties of said board of commissioners.

SEC. 3. The powers and duties of the Board, as provided for by the foregoing sections of this act, shall be to locate, construct, furnish, equip and open for the reception of insane persons, buildings, subject to limitations mentioned in succeeding sections of this act.

Building, contemplated by this act, where to be located, and how and of what material to be constructed.

SEC. 4. The buildings, contemplated by this act, shall be located on the land now owned by the State of Indiana, known as the Hospital Farm, containing one hundred and sixty acres, more or less, upon which the Indiana Hospital for the Insane now stands, and shall be constructed of brick, stone, iron, and such other materials as may be deemed most desirable for the purpose, with due regard to economy, safety, durability and the interests of those for whose immediate benefit they are designed.

Style and capacity of such building.

SEC. 5. The buildings, contemplated and authorized by this act, shall be plain and substantial in appearance, dignified in architectural proportions, but free from costly embellishments, and when completed, shall afford accommodation and all necessary appurtenances for the care of six hundred or more insane persons.

SEC. 6. No plans or specifications for building, or contract for labor or material, shall be adopted at any other than a full meeting of the Board of Commissioners, or by the unanimous consent of a meeting [of two-thirds thereof, notice of meeting] having been given to all.

Plans and specifications for such building.

SEC. 7. Said Board shall appoint one of their number a general Superintendent of said work, and such person, so appointed, shall have general superintendency of the construction of the buildings, and shall have authority to direct such minor details of construction and deviations from specifications of the architect, as he may find essential to conform the interior of the buildings to the professional and hygienic necessities of an Insane Hospital: *Provided*, That he shall direct no alteration involving any considerable expense, or any change of the general plan of the building, without the approval of a majority of the Board; he shall also approve all vouchers allowed by the Board and all estimates on contracts, and no work done by contract shall be accepted as finished, or paid for, without his approval, or after a full hearing and consideration of his protest and objection, should he offer any.

General superintendent of buildings, appointment of and his duties and powers.

General plan of buildings, change of.

SEC. 8. The construction of such buildings, as are provided for in this act, shall be prosecuted diligently, and with such dispatch as may be warranted by the magnitude of the work, and the means provided for its accomplishment, and shall embrace all necessary appurtenances.

Construction of such building, to be prosecuted diligently.

SEC. 9. Whenever such buildings, or so much thereof as may be sufficient for the accommodation of three hundred patients, shall be completed, the Provisional Board of Commissioners, constituted by this act, shall turn the same over to the regular Board of Commissioners for the Indiana Hospital for the Insane, who shall cause the same to be furnished and opened for the reception of insane persons.

When such building is completed so as to accommodate three hundred inmates, to be furnished, opened, &c.

SEC. 10. Whenever the buildings, provided for by this act, or such part thereof as may accommodate three hundred patients, together with necessary officers and attendants, shall have been opened, in pursuance of the provisions of section nine of this act, all of the insane women, at that time inmates of the Indiana Hospital for the Insane, shall be transferred and received as inmates of the new buildings, which building shall thereafter be known and designated as the Indiana Hospital for the Insane, Department for Women; and no men shall ever be admitted to such department for custody or treatment.

Insane women in Indiana Hospital for Insane, shall be transferred to such institution, when, &c.

Indiana Hospital for the Insane, department for women &c.

SEC. 11. Whenever all of the women, inmates of the Indiana Hospital for the Insane, shall have been removed from said Hospital and provided for in the department for women, the wards thus vacated in said hospital, shall be

Indiana Hospital for the Insane. Department for men, &c.

open for the reception of insane men, and the entire building shall be known and designated thereafter as the Indiana Hospital for the Insane, Department for Men; and no women shall be admitted thereto for custody or treatment.

Department of Insane Hospital by what laws to be governed, and to be under charge of commissioners, &c.

SEC. 12. When the buildings, contemplated and authorized by this act, shall be finished and ready for occupancy, the Board of Commissioners, constituted by this act, shall place the same in charge and control of the Commissioners for the Indiana Hospital for the Insane, and shall thereupon dissolve, and cease to be; and all laws, then in force, pertaining to the Indiana Hospital for the Insane, shall apply to both departments thereof, as provided for by this act.

Money, under provisions of this act, how drawn, &c.

SEC. 13. All moneys, drawn from the Treasury in pursuance of the objects of this act, shall be drawn by warrants directed to the Auditor of State, and shall bear the signature of the President and Secretary of the Board, countersigned by the Supervisor of Construction, and no more money shall be drawn from the Treasury, for such purpose, within one year, than may have been specifically appropriated for the expenditure of that year.

Appropriation, when and in what installments to be paid.

SEC. 14. Three hundred and fifty thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated, one hundred and fifty thousand dollars to be expended in the year ending March 31st, 1876, one hundred and fifty thousand dollars to be expended within the year ending March 31st, 1877, and fifty thousand dollars to be expended thereafter, or so much thereof as may be necessary to execute the purposes of this act, are hereby appropriated.

In case institution should be opened for reception of inmates, before specific appropriation should be made, how expenses paid.

SEC. 15. Should the department for women of the Indiana Hospital for the Insane, as constituted by this act, be opened before, or without any specific appropriation for its maintenance having been made, patients shall be received therein nevertheless, and the Superintendent shall certify, under oath, at the end of each month, to the Auditor of State, the amount of additional expenditure which has been incurred by the Indiana Hospital for the Insane, by reason of opening such department for women, such certificate to be endorsed by the order of the Board of Commissioners for said Hospital "Correct and necessary;" whereupon the Auditor shall issue his warrant to the treasurer of State for the sum certified as expended, and the Treasurer shall place to the credit of the Indiana Hospital for the Insane an amount equal thereto, to be drawn upon by the hospital as if originally appropriated thereof, and such maintenance shall continue from month to month, until other provision for additional maintenance shall have been made by law.

SEC. 16. The *ex officio* members of the board, created by this act, shall serve without additional pay, and the member thereof, appointed by the Governor, shall be entitled to the pay of a Commissioner of the Indiana Hospital for the Insane; *Provided*, Should the Board constitute one of its own members Secretary thereof, he shall be entitled to such additional pay as the Board may allow for services as Secretary, and the Superintendent of said building shall receive three hundred dollars *per annum*, and no more.

Pay of members of board.

SEC. 17. An emergency is declared to exist, and this act shall be in force from and after its passage.

Emergency.

CHAPTER LVI.

AN ACT to amend an act entitled "An act to incorporate the Indiana Fire and Marine Insurance Company," and declaring an emergency.

[APPROVED MARCH 5, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of an act entitled "An act to incorporate the Indiana Fire and Marine Insurance Company," approved February 13, 1851, be amended to read as follows: That William H. Morrison, Robert B. Duncan, Abraham W. Hendricks, Elijah S. Alvord, James A. Wildman, Addison L. Roache, Thomas D. Kingan, Richard J. Bright, John Love, Robert L. McKee, George Clark, Addison F. Armstrong, William R. McKeen, together with those who shall hereafter become stockholders as hereinafter directed, and their successors and assigns, shall be, and they are hereby created and made a corporation and body politic, by the name and style of the "Indiana Insurance Company," and by that name are hereby made perpetual in existence, and capable in law to purchase, hold, possess, enjoy and retain to themselves and their successors, lands, tenements, rents, goods and chattles, the same to sell, grant, alien, demise and dispose of; to sue and be sued, plead and be impleaded, defend and be defendant in all courts of law or equity, also, to make, use and have a common seal, the same to alter at pleasure, and generally to do and execute all and singular, the acts, matters and things that a corporation may rightfully do in the premises.

Section 1 amended.

Indiana Insurance Company, who to constitute.

Company to be perpetual. Its powers, rights, franchises, &c.

Seal.

Opening of
books for sub-
scription of
stock of com-
pany.

Surplus shares
of stock.

Amount of
stock and
shares.

Payment of
shares, and how
to be secured.

Sale of delin-
quent shares.

Section 3
amended.
Election of
president and
directors, their
terms of office.

Vacancies how
filled.

SEC. 2. That the persons named in the first section, or a majority of them, after giving at least thirty days notice, in at least two of the newspapers published in the city of Indianapolis, shall open books of subscription for the stock in said company, and shall keep the same open at least thirty days, and if a greater amount is subscribed, than is required by the terms of the advertisement under this act of incorporation, the surplus shares so subscribed shall be taken from the largest subscribers, commencing at the highest number, till they are reduced within the limits prescribed, which stock shall consist of six thousand shares of fifty dollars each, and at the time of subscribing, they shall have a right to demand and receive five dollars on each share, and to have secured the residue to the satisfaction of the corporation, payable in six months, which obligations may be renewed from time to time, either for the whole or such part thereof as the President and Directors shall direct, and it shall be the duty of the President and Directors to give at least thirty days notice of any call they may think it expedient to make, and in case of failure of any stockholder to meet such call, or to secure the payment of the remainder as aforesaid, it shall be lawful for the President and Directors to sell such delinquent shares and transfer the same to the purchaser or declare them forfeited to the company, together with all previous payments thereon; no transfer of such stock shall be deemed valid and complete so long as the person transferring the same shall be indebted to the said company, until the amount for which he is indebted is secured to the satisfaction of the President and Directors, and the stock of every stockholder shall be held as a collateral security for the payment of whatever sum he may be indebted to said company, by notes for stock or otherwise.

SEC. 3. Section three of said act shall be amended to read as follows: That the stockholders shall meet, at the place of opening the books for the subscription of stock in said company, on the first Monday of the month succeeding the subscription of said stock, and at the office of the company on the Tuesday following the first Monday in January in each succeeding year, and elect a President and six directors, who shall continue in office until the Tuesday following the first Monday in January of the ensuing year, and until their successors shall be elected, of which election previous notice shall be given in two of the newspapers printed at Indianapolis, at least two weeks, and in case of the death or resignation of the President, the Directors may elect some person to fill such vacancy for the residue of the year, and no person shall be chosen a Director who does not own two or more shares of stock, and the Directors may, after receiv-

ing a vote of the majority of the stock thereof, increase the capital stock of said company to any amount the stockholders or a majority of them may direct.

Increase of capital stock.

SEC. 4. Section four of said act shall be amended to read as follows: That in all elections, or votes by the stockholders, each share of the stock shall be entitled to one vote, and shares may be voted by the executor or administrator of a deceased owner, or by proxy.

Section 4 amended.

Elections, votes, &c.

Proxy.

SEC. 5. Section six of said act shall be amended to read as follows: That said company shall have power and authority to make insurance at such rate of premium as may be agreed upon by the parties, on buildings, machinery, furniture, goods, wares, merchandise and personal property of every description, against loss and damage by fire, also to make marine and inland insurance, and to conduct a general business of life, health, accident and annuity insurance; and every such contract, bargain, agreement, or policy to be made by said corporation, shall be in writing or print, and shall be signed by the President and attested by the Secretary.

Section 5 amended.

Rate of Insurance, and what property may be insured.

Marine and inland insurance, life, health, accident and annuity insurance.

Contracts of corporation shall be in writing.

SEC. 6. Section seven of said act shall be amended to read as follows: That it shall be the duty of the President and Directors of said Company, on the Tuesday following the first Monday in January in each year, to make a dividend of so much of the profits of said corporation as to them or a majority of them may appear desirable, but in case the company has sustained losses whereby the capital stock of the same shall be impaired or lessened, no subsequent dividend shall be made, until a sum equal to such diminution, and arising from the profits of said corporation, shall have been added to the capital.

Sec. 7 amended.

Dividends of profits, when to be made.

SEC. 7. That section eight of said act shall be amended to read as follows: The said corporation shall not issue notes or bills of credit, but may do a general discount and deposit banking business, nor shall said corporation commence business or grant any policies of insurance, until one thousand shares are subscribed and paid for as provided in the second section of said act; and so much of the capital stock of said company, as may not be permanently invested, may, at the discretion of the President and Directors, be loaned on promissory notes, or on bond and mortgage, at lawful interest, and no greater rate, without incurring such forfeitures as individuals may be liable to by law.

Sec. 8 amended.

What business company may or may not engage in.

Corporation shall not commence business until 1000 shares are subscribed and paid for. Loaning of capital stock of company.

SEC. 8. That in all cases where execution shall issue against said corporation, the same shall be first levied on the goods, chattles, lands and tenements belonging to said corporation as its joint property, and on a return on such execution of "no property found," or "not a sufficiency of property to satisfy said execution," then and in that case

Execution against corporation, how levied, &c.

Extent of liability of individual member of corporation for debts thereof.

the individual property of each of the corporators, who are or were stockholders at the time the debt, demand, or liability accrued, shall be held for said debt to the amount of his, her, or their stock, and no further; but no execution shall issue against any stockholders in their individual capacity until a *scire facias* shall be issued against and served on them to appear and show cause, if any they can, why execution shall not go against them, and upon such trial the stockholders, or any one of them may be permitted to plead that he was not a stockholder at the time of contracting such debts, demands or liability, or that the corporation was not liable for said debts, or any cause of legal defense.

SEC. 9. That whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force and take effect from and after its passage.

Emergency.

CHAPTER LVII.

AN ACT to change the name of the Widows' and Orphans' Asylum, of Indianapolis, to the Indianapolis Orphans' Asylum.

[APPROVED MARCH 11, 1875.]

Widows' and Orphans' Asylum of Indianapolis, change of name to The Indianapolis Orphans' Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the corporation known as the Widows' and Orphans' Asylum of Indianapolis, incorporated under and by an act of the General Assembly of the State of Indiana, entitled "An act to incorporate the Widows' and Orphans' Asylum of Indianapolis," approved February 13th, 1851, be and the same is hereby changed to "The Indianapolis Orphans' Asylum."

Powers, duties, rights, &c., of institution, not impaired by such change of name.

SEC. 2. The powers and duties, rights and privileges, obligations and liabilities of said corporation shall not, in any manner, be impaired or affected by the change of the name thereof, and such powers, duties, rights, privileges, obligations and liabilities shall be exercised, enjoyed and discharged by said corporation in the name given it by section one of this act, in conformity to the provisions of the above entitled act, and acts supplemental thereto, and

amendatory thereof; *Provided, however,* That from and after the taking effect of this act, said corporation shall limit its charities to orphans and indigent children.

Orphans and indigent children only entitled to charities of such institution.
Emergency.

SEC. 3. An emergency is hereby declared to exist for the immediate taking effect of this act, the same shall therefore take effect and be in force from and after its passage.

CHAPTER LVIII.

AN ACT to provide against intoxication, on the part of Public Officers, and providing for the removal of officers therefor.

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person holding any office under the Constitution or laws of this State, who shall voluntarily become intoxicated within the business hours of his office, or shall be in the habit of becoming intoxicated by the use of intoxicating liquors, shall forfeit his office and be removed therefrom, upon complaint filed in the Circuit Court of the county in which he resides, by any citizen of this State, alleging that he is a citizen of the State of Indiana, and giving the name of the person complained of, and designating the office which he holds, and that such officer has voluntarily become intoxicated within the business hours of his office, or shall be in the habit of becoming intoxicated by the use of intoxicating liquors during his continuance in office. The Clerk of said court shall docket said cause for trial and issue summons for the defendant, as in other causes. If, upon the trial of said complaint, either by the court or a jury, it shall be found that the facts stated in the complaint are true, such officer shall be adjudged to have forfeited his office, and the office be adjudged vacant.

Intoxication of Public officer.
Removal of from office, &c.

Proceedings to remove such person from office.

CHAPTER LIX.

AN ACT to authorize the Board of Commissioners to appoint Justices of the Peace, when vacancies may occur in said office.

[APPROVED MARCH 10, 1875.]

Vacancies in
office of Justices
of the Peace,
filling of by
appointment.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever a vacancy occurs in the office of Justice of the Peace, it shall be the duty of the Board of Commissioners, of the county in which such vacancy may occur, to fill the same by an appointment, which appointment shall be certified to the Governor by the Auditor of said county, and upon said certificate of appointment being filed with the Governor, he shall commission the person, so appointed, as Justice of the Peace, to serve until his successor is elected and qualified.

Emergency.

SEC. 2. That whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

CHAPTER LX.

AN ACT legalizing certain official acts of the Common Council of the city of Kokomo, and other officers of said city, and declaring an emergency.

[APPROVED MARCH 8, 1875.]

Preamble.

WHEREAS, The city of Kokomo was legally incorporated under an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9th, 1857, and the several acts amendatory thereof; and

WHEREAS, Many of the orders, ordinances and resolutions passed and adopted by the Common Council of said city, have been imperfectly recorded by the Clerks of said city, who have in many instances, also failed to record properly the votes by which said orders, ordinances and resolutions have been passed and adopted; and

WHEREAS, Many of the acts of the town officers, in organizing as a city, are omitted from the records and are improperly recorded, and the interests of said city are suffering by reason of the clerical errors and omissions aforesaid,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the organization of said city of Kokomo be, and is hereby legalized, and the said municipal corporation is declared to be a legally incorporated city under the laws of the State of Indiana, and that all official acts of the Common Council of the said city of Kokomo, and of all other officers of said city, done and performed under ordinances, orders and resolutions of said city, be, and the same are hereby legalized and made valid.

Organization of city of Kokomo legalized.

Official acts of Com. Council and other officers legalized.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Emergency.

CHAPTER LXI.

AN ACT to legalize the acts of County Commissioners in loaning money and purchasing and conveying real estate, and to authorize them to sell and convey lands heretofore conveyed to said county, and take obligations and securities therefor.

[APPROVED MARCH 9, 1875.]

WHEREAS, The Boards of County Commissioners, of the various counties of this State, loaned some of the money belonging to their respective counties, which had been levied and collected as a building fund for the purpose of enabling such boards to erect public buildings for the use of said counties, and took notes and mortgages from the borrowers; and

Preamble.

WHEREAS, Said Commissioners have, in some instances, purchased real estate and received deeds of conveyance therefor to said counties, or the Boards of Commissioners thereof; and

WHEREAS, Doubts have been expressed as to the power of the said Boards of County Commissioners to make such loans or purchases, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any and all loans of money made by the Board of County Commissioners of any county in this State, or by any agent of such board, and all notes, bills, bonds, mortgages, or other securities taken therefor,

Loans made by Board of County Commissioners, and notes, &c., taken therefor, legalized and collectable.

are hereby legalized and made valid, and the parties or persons executing the same shall be bound thereby, and liable thereon, and any and all actions may be maintained thereon the same as if the said board had been fully authorized to make said loan and receive said notes, bills, bonds mortgages or other security. No disability or want of power to make such contracts by said board shall defeat a recovery on any contract for such loan, or to enforce any security therefor.

Purchases and conveyances of real estate heretofore made by County Commissioners, and notes, &c., taken therefor, legalized.

Such Board authorized to sell and convey such land.

Emergency.

SEC. 2. All purchases of real estate heretofore made by the Board of County Commissioners of any county, and all conveyances made to, or by such board, or by or under its authority, for lands so purchased, and all notes, bills, bonds, mortgages, or other securities taken therefor, are hereby legalized and made valid, the same as if such board had been fully authorized and empowered to make such purchases and sales, and receive and make such conveyances, and receive and accept such notes, bills, bonds, mortgages, and other securities. And such board is hereby authorized and empowered to sell and convey, or cause to be conveyed, any and all real estate, so purchased as aforesaid, upon such terms as may be agreed upon by the parties, and all such sales and conveyances, and all notes, bills, bonds, mortgages, and other securities taken for, or to secure any part of the purchase money, shall be valid.

SEC. 3. It is declared that an emergency exists, that this act should take effect immediately, and the same shall be in force from and after its passage.

CHAPTER LXII.

AN ACT to amend section number sixteen of an act entitled "An act concerning real property and the alienation thereof," approved May 6th, 1852.

[APPROVED MARCH 11, 1875.]

Section 16, amended.

Deed, mortgage and lien shall be recorded within what time.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section sixteen of an act entitled "An act concerning real property, and the alienation thereof," approved May 6th, 1852, be amended so as to read as follows: Section 16. Every conveyance or mortgages of lands, or of any interest therein, and every lien, for more than three years, shall be recorded in the Recorders office of the county where such lands shall be situated, and every conveyance or lease, not so recorded in forty-five days from the execution thereof, shall be fraudulent and void as against any subsequent purchaser, lessee, or mortgager, [mortgagee] in good faith, and for a valuable consideration.

CHAPTER LXIII.

AN ACT authorizing the sale and conveyance of certain lands belonging to the State of Indiana.

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor, Auditor of State, and Secretary of State be, and the same are hereby authorized and directed to sell the following described real estate, to-wit: The east half of the southwest quarter of section twelve in township fifteen, north of range six east in Hancock county. The southwest quarter of the southeast quarter, and the northeast quarter of the southwest quarter of section thirteen, in township seven, north range nine east; also, the southwest quarter of the northeast quarter of section eleven in township seven, north range eight east, in Jennings county. Lot in Southport, Marion county, thirteen rods and four feet by — feet, in the east half of the southeast quarter of section seven, township fourteen, north range four east, forfeited by William Wheeler, in 1862, for non-payment of \$131.57. Also, the east half of the southwest quarter, and the west half of the southeast quarter of section eighteen, in township twenty-five, north range five west, in Jasper county. Also, the north half of of the west half of the southeast quarter of section thirty-three, in township eighteen, north range seven west, in Fountain county; also the south half of east half of the south east quarter of section thirty-three, in township eighteen, north range seven west, in Fountain county. Also, the southeast quarter of the southeast quarter of section six, and the southeast quarter of the southwest quarter of section ten, and the northwest quarter of the northeast quarter of section twenty-two, in township thirty, range three west, in Pulaski county, and the proceeds arising from the sale of the above described lands shall be credited to the College Fund. Also, the southwest quarter of the northwest quarter of section three, township sixteen north, range five west, in Putnam county. Lots numbers eighteen, nineteen, and twenty, in Morton, Coffin and Wright's subdivision of out-lot No. one hundred and forty-nine, in the city of Indianapolis, conveyed to the State by John Stumph and wife, and Samuel Lefevere. The east half of the southwest quarter section five, township thirty, range three west; the west half of the southeast quarter section five, township thirty, range three

Governor, Auditor and Secretary of State authorized to sell certain lands.

Situate in Hancock county.

Situate in Jennings county.

Situate in Marion county.

Situate in Jasper county.

Situate in Fountain county.

Situate in Pulaski county.

Proceeds to be credited to college fund.

Situate in Putnam county.

Situate in city of Indianapolis.

Situate in Pulaski county.

Situate in
Newton county.

Situate in
Marion county.

Situate in
Clarke county
for graveyard
for state prison
south.

Governor, Aud-
itor and Secre-
tary of State
shall cause such
lands to be
valued, &c.

Said lands may
be sold at either
private or pub-
lic sale.

Purchase money
payment of.

Governor shall
convey such
lands and take
mortgage.

Emergency.

west; the east half of the northwest quarter, section eight, township thirty, range three west; the west half of the northeast quarter section eight, township thirty, range three west; the southeast quarter of the northeast quarter of section eight, in township thirty, north range three west, all in Pulaski county. Also, the south half of the northeast quarter of section fifteen, township thirty-four, range two west, in Newton county. Also the northeast quarter of the northeast quarter of section one, township twelve, range seven west; also, one hundred acres in the southeast quarter of section one, township fifteen, north range two east in Marion county, conveyed to the State by James P. Drake and wife; also lot number one on west side of White river, opposite the city of Indianapolis, and immediately south of the National road, known as the ferry landing. Also one acre in out lot number twenty-eight, Clarksville, Clark county, for grave yard lot, for the State Prison South, conveyed by Jane Keigwin.

SEC. 2. That said Governor, Auditor and Secretary, shall cause each of said tracts or parcels of land to be valued by disinterested resident freeholders of the neighborhood where said several tracts of land are situate, at their fair market value, and thereupon may sell the same at private sale, for such appraised value, and shall sell at public sale, after such notice as they may deem fair, at not less than two thirds of the appraised value thereof, and in either case requiring not less than one third of the purchase money to be paid in hand, and giving such time for the payment of the residue of the purchase money as they may deem proper.

SEC. 3. That, upon the sale of any of said tracts or parcels of lands, the said Governor shall, in the name of the State of Indiana, convey the same to such purchaser or purchasers, taking mortgage for the deferred payments.

SEC. 4. An emergency existing for the immediate taking effect of this act, therefore, the same shall be in force from and after its passage.

CHAPTER LXIV.

AN ACT to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others, prescribing the powers and duties of County Boards and other officers in the premises, and to provide for the repair of such drains.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Board of Commissioners of any county shall have power, at any regular or called session, when the same shall be conducive to the public health, convenience or welfare, or when the same will be of public benefit or utility, to cause to be constructed, as hereinafter provided, any ditch, drain, or watercourse within said county.

Board of commissioners of county may authorize construction of ditch.

SEC. 2. That before the Board of Commissioners shall establish any ditch, drain or watercourse, there shall be filed, with the Auditor of such county, a petition signed by one or more of the land owners whose lands will be liable to be affected by, or assessed for the expense of the construction of the same, setting forth the necessity thereof, with a general description of the proposed starting point, route and terminus, and shall file a bond, with good and sufficient securities, to be approved by the Auditor, conditioned to pay all expenses in case the Board of Commissioners shall fail to establish said proposed ditch, water course or drain. Said board shall, at their next ensuing meeting, appoint three resident householders and freeholders of the county, not interested in the construction of the proposed work and not of kin to any parties interested therein, as viewers, and it shall be the duty of the Auditor, thereupon, to issue to said viewers a certified copy of the petition and order of the Board, who shall proceed at once, with or without an engineer, as they shall deem necessary, to view and make a computation of the number of cubic yards of earth to be removed from each section, with an estimate of the costs of construction of the work, and shall set apart and apportion to each parcel of land a share of said work in proportion to the benefits to be derived by such work, and specify the manner in which the work shall be done, the necessary flood gates, water ways, bridges and farm crossings to be made, with such other suggestions as they may deem material, and file their report with the Auditor, after having subscribed

Petition shall be filed, setting forth what, &c.

Bond shall be filed.

Board of commissioners shall appoint viewers, and shall issue copy of petition &c. Duty of viewers.

Commissioners shall hear and determine said matter, and Auditor shall give notice.

and sworn to the same, and the Commissioners shall hear and determine said matter at the next meeting. It shall be the duty of the Auditor, on said report being filed, to cause notice to be given by publication for four consecutive weeks in some newspaper printed and published or of general circulation in said county, and by posting three printed copies of said notice in three public places in the township where the proposed work is located, and one at the court house door in said county, of the pendency and prayer of said petition, and the time set for the hearing thereof, which notice shall contain a pertinent description of the terminus of such proposed work, its direction and course from its source to its outlet, and the names of the owners of the lands that will be affected thereby, and at the same time shall mail a copy of the same to non-residents interested, whose post office address is known to the Auditor, or can be ascertained by inquiring at the Treasurer's office.

Person claiming damages shall make application.

SEC. 3. Any person claiming compensation for lands or damages by the construction of such proposed work, if the same should be established in accordance with the report of said viewers, shall make application in writing therefor, and file the same with the Auditor, on or before the day set for hearing of the petition, shall be deemed to have waived all right to such compensation or damages.

When commissioners shall establish proposed work.

SEC. 4. Said Board of Commissioners, at the time set for the hearing of said petition, shall, if they find the provisions of the second section of this act to have been complied with, proceed to hear said petition, and if they find such proposed work to be necessary and conducive to public health, convenience or welfare, or of public benefit or utility, they shall establish the same as specified by the report of the viewers.

Remonstrance against report of viewers, and appointment of reviewers and their reports.

SEC. 5. It shall be lawful for any person interested in the location of such proposed work, to file with the Board of Commissioners, a remonstrance against the report of such viewers, and by filing, at the same time, with the same, an undertaking with two sufficient sureties conditioned for the payment of all costs and expenses caused by such remonstrance, if the report of the viewers be sustained by reviewers to be appointed as hereinafter provided, such undertaking to be approved by the Commissioners, and thereupon the Board of Commissioners shall appoint three disinterested resident freeholders and householders of the county, not of kin to any person interested in the location of such proposed work, whose duty it shall be to review the action and report of the viewers, as well as the entire premises, through which the proposed work will

extend, and file with the Auditor a report of their proceedings in the premises, after having first subscribed and sworn to the same according to law.

SEC. 6. Upon the report of the viewers, the Auditor shall record the same, together with the proceedings had in the matter of the petition, and if said report be against the remonstrants, all costs of said remonstrance shall be taxed against the remonstrants, and a fee bill shall issue thereon and be collected as provided by law.

Auditor shall record report of reviews. When costs to be taxed against remonstrances.

SEC. 7. If the reviewers shall report against the location of such proposed work, the costs made before the Board of Commissioners shall be taxed against the petitioners and be collected as provided by section six.

When costs shall be taxed against petitioners.

SEC. 8. In case of the remonstrance, as provided in section five of this act, all further proceedings by the Commissioners shall cease until said report of the reviewers is filed.

In case of remonstrance, further proceedings shall cease until, &c.

SEC. 9. If any application for compensation or damages shall have been made agreeably to the third section of this act, the Board of Commissioners shall order the viewers and reviewers to determine, by actual view of the premises, the compensation or damages sustained by and to be paid to such applicant, which shall be a part of their said report. After the report of such viewers or reviewers shall have been made, the petitioners may discontinue the said proceedings by paying all costs that have accrued up to time of such discontinuance, and notifying the Auditor in writing that they will not further prosecute the same. But no proceeding shall be discontinued unless the notice thereof shall be signed by a majority of the petitioners for such proposed work.

Determination of compensation and damages.

Petitioners may discontinue proceedings.

SEC. 10. Upon the filing of the report of such reviewers, the Board of Commissioners shall establish such proposed work as described in the report of such reviewers, and shall award to all applicants for compensation or damages the sum reported by such reviewers, to be paid to them, and shall order the same paid out of the county treasury; *Provided*, Any party aggrieved may appeal to the Circuit Court as provided by law for appeal from Commissioners.

Awarding of compensation or damages.

Appeal.

SEC. 11. If no damage or compensation shall have been claimed, or if no appeal shall have been taken from the action of the Board of Commissioners, and said petitioners shall not have discontinued proceedings as above provided, or if the damage and compensation shall have been paid out of the county treasury, the Board of Commissioners shall order the reviewers, before appointed by them, or in case no reviewers have been appointed, the viewers shall proceed to make a just and fair estimate of the average cash value of the construction per lineal rod, cubic yard or foot of earth, and every section or allotment of such ditch, and

Estimate of cost of construction of work shall be made, and cost of, apportioned.

apportion the costs of the location thereof, including printers' fees, the damages and compensation, if any shall have been assessed, and costs in Circuit Court, if adjudged against the Commissioners, and award to each person or persons owning lands liable to be effected by the proposed work, as shall be deemed by them to be just and right, according to the benefits to be derived by constructing the same, their proportionate share of said costs, and shall specify the time in which said costs and expenses shall be paid to the County Treasurer, and the time and manner in which said labor shall be performed, and they shall cause a stake or monument to be placed at the boundaries of each of the several portions, which shall be numbered progressively downstream, at each one hundred feet, and shall file their report with the Auditor of the county, after having first subscribed and sworn to the same according to law.

Stakes or monuments shall be placed along proposed works, at boundaries, and numbered.

Person failing to construct portion of such work, set off and apportioned to him, county Auditor shall let said work, and the cost of such construction shall be a lien on real estate, and collected as taxes.

SEC. 12. If any of the persons interested in the opening or construction of said proposed ditch or work, shall fail to procure the excavation or construction thereof, or that portion set off and apportioned to them, respectively, by the viewers or reviewers, in the manner and time specified, it shall be the duty of the Auditor of said county to let said work at public sale to the lowest and best responsible bidder, and take a bond payable to the person or persons for whom said work is let, with good and sufficient sureties for the faithful performance of the same within a specified time; and on completion of the work thus let, and acceptance by the Board of Commissioners, if in session, or by the Auditor in vacation, the Auditor shall issue a certificate to the persons doing said work, for the sum due them, and shall enter the amount of said certificate upon the tax duplicate of the county against the tract or lot benefitted by the opening or construction of that portion of said work, together with legal interest, and the amount so entered shall be collected by the Treasurer of said county as other taxes, and paid by him to the person holding said certificate; *Provided, however,* That in no case shall said work be sold or let by the said Auditor at a greater price than twenty per cent. above the estimated value fixed by said viewers or reviewers, as hereinbefore provided: *And provided further,* That no person, having an official duty to perform about said ditch, shall be interested directly or indirectly in any contract for the construction of such proposed ditch or work. And any contract, in which any of said officers shall be interested, shall be deemed fraudulent and void. All the expenses attending the letting of said work, except as hereinafter provided, shall be assessed against the land, to which said work was apportioned, and collected as taxes by the Treasurer, and paid to the persons to whom the same is due.

Price at which such work to be let. Person, having official duty about work, shall not be interested in contract for construction of same.

SEC. 13. For the purpose of keeping any ditch, drain, or water-course open and in good repair, that is now, or may be hereafter constructed under the provisions of this act, a majority of the resident land owners taxed for the construction thereof, may determine, from time to time, what sum may be necessary to be levied for the repair of the same. They shall make a statement of the amount, signed by a majority of such tax-payers, and forward the same to the Auditor of the county. The Auditor shall assess the same upon each tract or parcel of the land taxed for the original construction of the same ditch, drain or water-course, in the same proportion that said original tax was levied, and enter the same on the tax duplicate of the county and be collected in the same manner as other taxes are collected.

SEC. 14. It shall be the duty of every township trustee to see that all ditches, drains or water-courses, which have been constructed under any law of this State within his township, are kept open and in good repair, and for that purpose he shall have power, when it shall be necessary, to call out the land-owners whose lands were assessed for the construction of the ditch, requiring repairs in the same manner as supervisors of highways have by law to call out persons to perform work on such public highways. And each land owner, performing work under the direction of the township trustees, shall be entitled to receive a certificate therefor from said trustee, to apply in payment of any assessment which has been, or may be assessed against his land under any provision of this act, at the same rate per day of ten hours each, that is, or may be allowed for work on the public highways; and such certificate shall be received by the County Treasurer in full payment of so much of the tax assessed against the lands of such owner for ditch purposes. The County Auditor shall furnish each Township Trustee with a statement of the assessment made for keeping open or repair of ditches within his respective township, giving the name of the owner as the lands stand charged upon the tax duplicate, a brief but pertinent description of each tract of land, the ditch for which the same was assessed, and the amount of the tax assessed on each tract opposite thereto, and the trustee, upon receiving such statement, shall give a written notice to each land-owner, if he be a resident of his county, and if not, then directed to such non-resident through the postoffice, if his residence be known to the trustee, of the amount of tax assessed upon each tract of land as described by the Auditor in his statement, notifying each when and where he will attend to the supervision of the work upon such ditch. All moneys assessed for the repair of ditches, and paid into the county treasury, shall be paid over to the township trustees in the several townships in

How such ditch, drain or water course to be kept open and in repair.

Township Trustee to see that such ditch, &c., is kept open and in good repair.

Persons performing work on such ditch, &c., to have credit for same on assessment, &c.

County Auditor shall furnish statement of assessments to township trustee. Such trustee shall give notice to land owners of amount of tax assessed.

Moneys collected, to be paid to Township Trustees, and how expended by them.

which the same were assessed, upon the order of the County Auditor. And the several township trustees shall expend the same in repairing the ditch for which it was assessed, and giving two weeks public notice of the time and place, when and where, he will attend to, sell, or let such work, in all cases where the amount of such work will exceed twenty-five dollars; such notice shall be given by posting up written notices in three public places in such township. Every township trustee shall receive for his services, when actually employed in the duties prescribed in this act, two dollars per day, to be paid out of the moneys assessed under this act. Each township trustee at his annual settlement, as provided by law, shall file a statement, duly verified, with the Auditor, of all moneys by him received for the repair of ditches, the work performed under his direction, by whom performed, and on what ditch. And he shall keep a separate account with each ditch in his township; *Provided*, That no township trustee shall make any repairs or improvements on any ditch until a tax or assessment shall have been made or levied.

Township Trustees pay for such services.

Township Trustees shall file statement and keep separate account.

Repairs shall not be made until assessment is levied.

In what cases lands not to be again taxed, &c.

Levying of taxes to enlarge lower ditch, &c.

Fees of county officers, Engineers, viewers, & al, for services in connection with such works, and how paid.

SEC. 15. Any ditch located under the provisions of this act, of sufficient capacity to carry off the water that annually flows into it, together with the proper drainage of the lands taxed for the construction of the same, shall [not] be again taxed or assessed for the benefit and improvement of any lands lying above the lands taxed for the construction thereof; and in all cases where any such ditch shall empty into any lower ditch, above described, for the benefit of lands lying above the lower ditch, it shall be the duty of the Board of Commissioners to levy a sufficient tax on the lands benefitted by the new ditch, to enlarge any such lower ditch, so as to confine the water, in ordinary stages, to the same level that it originally had before an additional amount of water emptied into such lower ditch, for the benefit of lands lying above said lower ditch.

SEC. 16. That the fees of the County Auditor, Treasurer, Commissioners, viewers and reviewers, shall be the same as provided by law for like services in opening and establishing public highways, and shall be paid out of the general fund of the county. The Surveyor and Engineer shall be allowed such compensation as the Board may deem just, not exceeding five dollars per day for the time he may be employed; each chainman, axman, and roadman shall be allowed and receive one dollar and twenty-five cents per day; the expenses of draining, the original petition, and filing the same with the County Auditor, must be paid by the petitioners. The surveyor or engineer, chainman, axman, rodman, printers, and all others, except the Auditor, Treasurer, Commissioners, viewers and reviewers, shall be paid

by the parties respectively interested and benefitted in the construction of said ditch, in the manner heretofore in this act provided. All cash bills shall be examined, and if approved, signed by the Board of Commissioners.

SEC. 17. When any ditch, established under this act, drains, either in whole or in part, any public or corporate road or railroad, or benefits any of such roads so that the roadbed or traveled track of any such road will be made better by the construction of such ditch, the viewers or reviewers shall apportion to the county, if a county, state or free turnpike road; to the company if a corporate road or railroad, such portion of the costs and expenses thereof as to private individuals, and require them to pay said costs and perform said labor in like manner as individuals.

When cost of construction of such works shall be apportioned to County, Turnpike or Rail Road Company.

SEC. 18. In all cases, where any proposed ditch shall be in more than one county, application shall be made to the Commissioners of each county, and the viewers and reviewers must make a report for each county, and application for damages must be made in the county where the land is situated, and a majority of the viewers or reviewers of each county, when in joint session, shall be competent to locate and establish the ditch: *Provided*, That no viewer or reviewer shall serve in any case where he is personally interested. Any two viewers or reviewers may form a quorum for the transaction of business under this act, in their respective counties.

Proceedings, in case proposed ditch shall be in more than one county.

SEC. 19. The township trustee of any townships, or the board of directors or trustees of any body corporate, may file the petition and bond as required in section two of this act.

Quorum.

Filing of petition and bond in such case.

SEC. 20. If any person shall wilfully obstruct any ditch, or shall wilfully divert the water from its proper channel, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five, nor more than fifty dollars, and shall also be liable for any and all damages accruing to any person or persons by such act.

Misdemeanor to wilfully obstruct ditch or divert water therefrom, and penalty.

SEC. 21. The viewers or reviewers, at the time of viewing or reviewing the location and construction of a proposed ditch, is not on the best route to effect the object sought, or if they find the proposed drainage can be effected as well in connection with a ditch necessary for the improvement of public highways already established, or such may be hereafter required, they shall proceed to establish the same, and in case said ditch proposed upon a line or sub-division of sections where a public road may be required, and in all cases where ditches are located along highways, they shall proceed to locate the same at a sufficient distance from the centre of such highway, so as to admit of a good road along the said centre, and the earth taken from such ditch shall be

In case location of ditch is not on best route, or object sought can be effected in connection with other drains.

Location of ditch along highway, and disposition of earth, &c.

Ditches not to be located diagonally across sections, &c.

This act not to repeal other laws upon subject of drains, &c.

so placed upon said road as to form a turnpike. No part of such earth shall be placed nearer than two feet to said ditch, and the said viewers or reviewers in locating ditches, shall, in all cases as far as practicable, avoid laying the same diagonally across sections or parts of sections.

SEC. 22. The provisions of this act shall not be so construed as to repeal any law of this State now in force to encourage the construction of levees, dikes and drains, and to enable the owners of wet lands to drain and redrain the same, but such shall be in addition thereto.

CHAPTER LXV.

AN ACT providing for the enclosure of land subject to overflow, and declaring an emergency.

[APPROVED MARCH 1, 1875.]

By whom and when petition may be made to County Commissioners for permission to enclose lands subject to overflow, &c.

One fence, swinging gates, &c.

Viewers shall be appointed who shall be sworn, &c.

Viewers duties.

Assessments.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever the owners of real estate, in any county of this State, representing the major portion of the lands improved and used for purposes of cultivation, an area that is definitely described by sections or sub-divisions of sections, or sufficiently described by metes and bounds, which lands are situated upon or near any stream or water course, lake, pond or marsh subject to overflow therefrom, shall petition the Board of Commissioners of the proper county asking the permission to inclose such area under one general fence, with swinging gates on all public-highways crossed, setting forth the kind of fence and gates desired, it shall be the duty of such Board to appoint three reputable householders of the county, not related by blood or marriages to any of the parties interested, as viewers, who first being sworn to faithfully and fairly perform the services required of them, shall proceed, within a reasonable time after their appointment, by giving publication of their intention, to be given by posting up written or printed notices, describing the premises in the several townships, where the same may be situated, to inspect such premises, and to make an assessment against the owners of such real estate, in consequence of such improvement, which shall be apportioned between them severally, according to the number of acres of improved land owned by each, and the benefits accruing to them severally on account of such improvement.

SEC. 2. After having performed the duties required of them in the first section of this act, said viewers shall, as soon as practicable, submit a report in writing to the Board of County Commissioners of their doings, together with a tabular statement of the assessment made by them, which shall be deemed sufficient authority for said Board of County Commissioners to issue an order for the erection or construction of such fence and gates, in the absence of any remonstrance against the same; but if any remonstrance shall be made, said Board may order or refuse to order the erection of such fence or gate in their discretion. If the order shall not be made in consequence of any mistake or error committed by the viewers, other viewers may be appointed to perform the same service and report same.

Viewers' report

When Board of County Commissioners may issue order for construction of fence.

Appointment of other Viewers.

SEC. 3. A certified copy of the report of the viewers, as approved by the Board of Commissioners, shall be filed in the office of the County Auditor, and thirty days after such fence and gate shall have been constructed, any person interested therein may make affidavit before such Auditor showing what property owners have not paid their several assessments, and the sums assessed against the persons delinquent shall be entered upon the tax duplicate, by the Auditor, to be collected by the Treasurer as other taxes are collected, and when so collected shall be paid out to the property owners who have voluntarily paid the cost of such fence, in proportion to the amount of their several assessments.

Certified copy of report of Viewers shall be filed in office of County Auditor.

Collection of unpaid assessments, how made.

SEC. 4. The viewers appointed under the provisions of this act, may, if necessary, employ a surveyor, who shall be paid for his services such sum as may be agreed upon. It shall be the duty of the Board of Commissioners to fix the compensation of such viewers for their services, and the entire cost and expenses of the proceedings shall be taken and regarded as a part of the cost of the erection of said fence and gates, and shall be collected in the same manner.

Surveyor may be employed, his pay, &c.
Compensation of Viewers, and how paid.

SEC. 5. It shall not be lawful for any person, having land enclosed by such fence, to allow stock to run at large upon said enclosed premises before the 25th day of December of any year, nor after the 15th day of March of any year.

When stock may be allowed to run upon such enclosed premises.

SEC. 6. Whereas, an emergency exists in several counties of this State for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER LXVI.

AN ACT to amend Section seventeen of an act entitled "An act containing several provisions regarding landlords, tenants, lessors and lessees," approved May 20th, 1852.

[APPROVED MARCH 11, 1875.]

Section 17
amended.

Lien of Land-
lord on crops.

Removal of
tenants' portion
of crops.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Section seventeen of the above recited act be, and the same is hereby amended to read as follows: Section 17. In all cases where the tenant agrees to pay, as rent, a part of the crop raised on the leased premises, or a cash rent, the landlord shall have a lien on the crop raised, under such contract, for the payment of such rent: *Provided*, That nothing herein contained shall prohibit the tenant from removing from such leased premises, and disposing of so much of said growing crop, not more than his part, when the rent is to be paid in part of the crop raised, and in other cases, not more than one-half of the crop growing or matured.

CHAPTER LXVII.

AN ACT to amend Section one of an act entitled "An act to amend the first section of an act for the incorporation of Manufacturing and Mining Companies, &c., &c.," which became a law by lapse of time, December 27th, 1872.

[APPROVED MARCH 9, 1875.]

Sec. 1 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of an act entitled "An act to amend the first section of an act entitled as follows: An act to amend the first section of an act entitled an act for the incorporation of Manufacturing and Mining Companies, and companies, for mechanical, chemical, and building purposes, approved May 20, 1852, so as to provide for the incorporation of companies to furnish motive power to carry on such business, or to supply any city or village with water, approved March 11, 1861, so as to authorize and provide for the incorporation of union stock yards and

transit companies, and also to authorize and provide for the incorporation of grain elevator companies, and legalizing the incorporation of grain elevator companies already formed, or attempted to be formed, under the act to which this is an amendment, and declaring an emergency," which became a law by lapse of time December 27, 1872, be so amended as to read as follows: Section 1. That whenever three or more persons may desire to form a company to carry on any kind of manufacturing, mining, mechanical or chemical business, or to furnish motive power to carry on such business, or to supply any city or village with water, or to form union stock yards and transit companies, and operating, maintaining and transacting the business incident to such companies, or to form grain elevator companies and constructing, maintaining and operating elevators, and transacting the business incident thereto, or to form companies for the purpose of buying and selling dry goods, carpets, boots and shoes, millinery goods, fancy goods, or jewelry, in connection with the manufacture of such goods, and articles into any articles for which they are suitable, and for the sale of such articles, when they are so manufactured, they shall make, sign and acknowledge, before some officer capable to take acknowledgment of deeds, a certificate, in writing, which shall state the corporate name adopted by the company, the object of its formation, the amount of capital stock, the term of its existence, not however to exceed fifty years, the number of directors and their names, who shall manage the affairs of such company for the first year, and the name of the town and county in which its operations are to be carried on, and file the same in the office of the Recorder of such county, which shall be placed upon the record, and a duplicate thereof in the office of the Secretary of State.

Purposes for which persons may form company.

Articles of association, what they shall contain, and where to be recorded.

CHAPTER LXVIII.

AN ACT for the encouragement of Manufacturing Companies.

[APPROVED MARCH 10, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all incorporated manufacturing companies, in actual operation and carrying on business in

What amount of real estate, manufacturing company may hold, &c.

the State of Indiana, may take and hold, and convey so much real estate as may be necessary to carry on their business, and may also take and hold such real estate as may be mortgaged to such companies to secure any debt, or may be taken in payment of any indebtedness previously contracted, or may be purchased on judgments, decrees or mortgages obtained or made for such debts, and all such conveyances of land, whether made heretofore or hereafter, are hereby ratified and declared to be valid.

CHAPTER LXIX.

AN ACT to limit appointments to office in the Prison, Reformatory and Benevolent Institutions of the State.

[APPROVED FEBRUARY 25, 1875.]

Unlawful to
appoint rela-
tives of officers
of Benevolent
and other insti-
tutions, to posi-
tions in same.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be unlawful for any person to be appointed to or hold an office, or position, in any of the Prison, Reformatory or Benevolent Institutions of the State, who is related, by blood or marriage, to any Director, Manager, Trustee or Commissioner of the institution to which such person may be appointed.

Emergency.

SEC. 2. An emergency is hereby declared to exist, by reason whereof this shall take effect and be in force from and after its passage.

CHAPTER LXX.

AN ACT to provide for the incorporation of State, District, County, Subordinate, and Individual Associations of the Order of the Patrons of Husbandry, and matters properly connected therewith, and declaring an emergency.

[APPROVED MARCH 11, 1875.]

Associations of
Patrons of
Husbandry, in-
corporation of.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That associations of the order of the Patrons of Husbandry, organized in accordance with the

rules and regulations of said order, may become incorporated in manner following: An association of persons of said order, known as a State Grange, may become incorporated by depositing in the office of the Secretary of State, the name assumed by such association, with a certified copy of the constitution and by-laws of such Grange, showing the objects and purpose of such associations, containing an impression of the seal of such Grange. Any District, County, subordinate or other Grange, organized in accordance with the rules of said order, and under the jurisdiction of State Grange of this State, may become incorporated by depositing in the office of the Recorder of the county where such Grange is organized, the name assumed by such Grange, with a statement, under the seal of the superior association, under which such subordinate district, county, or other Grange derived its authority, which statements the Recorder shall record in the miscellaneous record, and may charge for each, twenty-five cents.

How State Grange may become incorporated.

District, county or subordinate Grange may become incorporated.

Such statements to be recorded and fees for recording.

SEC. 2. Any Grange of said order, organized in accordance therewith, and having complied with the provisions of the first section of this act, shall, therefrom, become a body politic and corporate, and by the name assumed, may contract, and be contracted with, sue and be sued, plead and be impleaded, and may take by purchase, devise, gift or otherwise, real and personal property, and may hold and convey the same under the rules and regulations of such order and the by-laws of such association, shall have perpetual succession, subject to all the provisions of the laws of this State, and may make such rules and regulations as to such associations may seem best for the disposition and safe keeping of the property of such association, and the responsibility of its members and officers to such association, not inconsistent with the laws of this State; such associations may, for the purpose of said order, divide their capital stock into shares of not less than ten, nor more than fifty dollars, and may make such rules and regulations for the issuing, sale and transfer of such shares of stock, as to them may seem best, and may take, hold and convey, not exceeding one hundred acres of land, and may erect such buildings thereon, and make such improvements as such association may desire.

Grange incorporated, to be body politic and corporate, its powers, &c.

Capital stock to be divided into shares, &c.

May take, hold and convey real estate, and erect buildings thereon.

SEC. 3. Any number of the individual members, not less than five, of any of said associations of the Patrons of Husbandry, may, by articles of association, carry on the business of farming, buying and selling farm implements, products, ordinary mercantile articles, may carry on the business of manufacturing and any mechanical, chimerical

Individual members, not less than five of such association, may, by articles of association, carry on business of farming, mercantile business, &c.

What shall be set forth in such articles of association.

Such persons may become incorporated company, by having articles of association recorded.

Such persons shall be body corporate and politic, with certain rights, &c.

Capital stock of such association, increase and decrease of same, sale of, &c.

By-laws, rules and regulations.

Stockholders, their liabilities.

Such corporations shall make out annual statements, and post same up, &c.

Stockholders failing to make, verify and put up such statement, shall be individually liable for debts, &c.

or mining business, which articles of association shall state the kind of business to be carried on, the amount of the capital stock, the place where such business is carried on, the names of the persons to manage the business the first year, and the persons signing such articles, their associates and successors, may, at any time, become incorporated by causing the said articles of association to be recorded in the office of the Recorder of the county where such persons propose to carry on such business, and when such articles are recorded, the persons who have signed the same, and their successors and associates signing such articles, shall be a body corporate and politic; and, by the corporate name they may assume, may sue and be sued, plead and be impleaded, and may take, hold and convey real estate necessary to carry on the business named in such articles.

SEC. 4. The persons so associated, as in the foregoing section mentioned, may increase or reduce their capital stock from time to time, as their necessities may demand, and may divide their capital stock into shares of not more than fifty dollars each, and may make such by-laws, rules and regulations for carrying on the business, the sale, transfer and disposition of their stock and effects, as may seem best, not inconsistent with the laws of this State; may adopt regulations for the government of the persons managing such business, and providing for their selection at stated periods of not more than one year, and for their removal, compensation and accountability: *Provided*, That the stockholders of such corporation, whether the original signers of such articles of association, or the persons signing the same subsequently, or the person or persons to whom any shares of stock may be transferred or held under the regulations of such corporations, shall be liable individually and jointly to creditors of such corporations to an amount equal to the stock held by them respectively, and no more.

SEC. 5. Any trading, manufacturing, mining or other corporation, organized under the provisions of the two preceding sections, shall, annually, within twenty days after their annual or stated election of Directors, shall make out, or [and] cause to [be] verified by its Directors, or some one of them, a statement showing the amount of capital stock, the amount paid in on the same, the amount of debts due by such corporation, and shall cause such statement to be posted up in a conspicuous place, or their place of business, for twenty days, and on failure to make, verify and put up such statement, such stockholders shall be individually liable, jointly and severally, for all debts of such corporation contracted from the date of such failure until the same shall be due.

SEC. 6. Whereas, there is no law now in force author- Emergency.
izing the incorporation of the associations of the Patrons of
Husbandry, it is therefore declared that an emergency exists
for the immediate taking effect of this act, the same shall
therefore be in force from and after its passage.

CHAPTER LXXI.

AN ACT to prevent the indiscriminate shooting into wild pigeons,
when and where nesting, and fixing the penalty therefor, and
declaring an emergency.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of
the State of Indiana,* That it shall be unlawful for any per- Unlawful to
kill or maim
wild pigeons
within one-half
mile of where
they are nest-
ing.
son, using any firearms, to maim or kill, or destroy any wild
pigeon or pigeons, at or within one half mile of where they
are gathered together in bodies, known as pigeon roostings
and nestings, when and while they are nesting.

SEC. 2. Any person, violating this act, shall be fined not Penalty.
less than one, nor more than ten dollars.

SEC. 3. Whereas, an emergency exists for the taking Emergency.
effect of this act, the same shall therefore take effect and be
in force from and after its passage.

CHAPTER LXXII.

AN ACT to amend section fifty-four of an act entitled "An act to
revise, simplify and abridge the rules, practice, pleadings and forms,
in civil cases, in the courts of this State; to abolish distinct forms
of action at law, and to provide for the administration of justice in
a uniform mode of pleading and practice, without distinction
between law and equity," approved June 18th, 1852.

[APPROVED FEBRUARY 25, 1875.]

SECTION 1. *Be it enacted by the General Assembly of* Demurrer and
answer.
the State of Indiana, That section fifty-four of the above
entitled act be amended to read as follows, to-wit: Section
54. When any part of the matters enumerated in section

fifty do not appear upon the face of the complaint, the objection, (except for misjoinder of causes), may be taken by answer. If no such objection is taken, either by demurrer or answer, the defendant shall be deemed to have waived the same, except only the objection to the jurisdiction of the court over the subject of the action.

CHAPTER LXXIII.

AN ACT concerning the practice in cases appealed to the Circuit Court.

[APPROVED FEBRUARY 25, 1875.]

Appeals.

Defective appeal bond, in case of, &c.

Insufficient appeal bond, in case of, &c.

Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases where an appeal shall be taken from a Justice of the Peace, Board of County Commissioners, Viewers, or commissioners to assess damages, or from any other person or tribunal to the Circuit Court, and the appeal bond, filed in such case, shall be defective in substance or form, or for want of proper approval, such case shall not be dismissed on account of such defect or informality, if the appellant will, when required by the court to which such appeal is taken, file in such court a sufficient bond, with surety, to the acceptance of such court in such sum as such court shall require.

SEC. 2. In all such appealed cases, when costs shall have accrued, so as to render the sum named in the appeal bond insufficient to secure the same, the court, in which such appeal is pending, shall require the appellant to give an additional bond in such sum as such court shall deem sufficient, with surety to the acceptance of such court, and if the appellant fail or refuse so to do, such appeal shall be dismissed.

SEC. 3. All laws, or parts of laws, in conflict with the provisions of this act, are hereby repealed.

CHAPTER LXXIV.

AN ACT to amend Section one hundred and thirty-six (136) of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, and declaring an emergency.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Section one hundred and thirty-six of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, be, and the same is hereby amended to read as follows: Section 136. Restraining orders and injunctions may be granted by the Supreme Court in term time, when necessary and proper for the due exercise of the jurisdiction and powers of such court, or by any Judge thereof in vacation, and by the Circuit Court in their respective counties in term time, or by the Judge thereof in vacation, and the said court in term time, or the Judge thereof in vacation, may, in any county of the circuit, issue restraining orders or injunctions to operate in any other county in the circuit.

Section 136 amended.

Restraining orders and injunctions, when Supreme and Circuit Courts, or Judge thereof may issue same.

SEC. 2. There being an emergency for the taking effect of this act, it is hereby declared to be in force from and after its passage.

Emergency.

CHAPTER LXXV.

AN ACT to amend section seventy-four of "An act to revise, simplify, and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

[APPROVED MARCH 9, 1875.]

Section 74
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section seventy-four of "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, be amended so as to read as follows, to-wit: Every material allegation of the complaint, not specifically controverted by the answer, and every material allegation of new matter in the answer, not specifically controverted by the reply, shall, for the purpose of the action, be taken as true, but the allegation of new matter in a reply is to be deemed controverted by the adverse party, as upon a direct denial or avoidance, as the case may require. Allegations of value, or amount of damages shall not be considered as true by the failure to controvert them, but in actions upon accounts, in which an itemized bill of particulars, the correctness of which is duly affirmed or sworn to by the plaintiff or some one in his behalf, has been filed with the complaint, a default, by the defendant, shall be deemed to admit the correctness of the bill of particulars as sworn or affirmed to, and judgment may be rendered thereon without further evidence.

What material
allegations in
complaint and
answer, shall
be taken as
true.

CHAPTER LXXVI.

AN ACT to amend the four hundred and sixty-seventh section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Section four hundred and sixty-seven of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," be amended to read as follows: Sec. 467. The time and place of making sale of real estate, on execution, shall be publicly advertised by the Sheriff for at least twenty days successively next before the day of sale, by posting up written or printed notices thereof in three public places in the township in which the real estate is situated, and a like advertisement at the door of the Court House of the county, and, also, by advertising the same for three weeks successively in a newspaper of general circulation printed within the jurisdiction of said Sheriff; *Provided*, That if the Sheriff shall be unable to procure the publication of said notice in some newspaper of general circulation printed within his county, it shall be lawful for him to dispense with the publication of said notice, and the land may be sold without such publication, and the Sheriff shall, in his return of such writ, state his inability to procure such publication, and such return shall have the same effect in evidence as the official returns of Sheriffs in other cases.

Section 467 amended.

Advertisements of sale of real estate by Sheriff, how made.

In case Sheriff is unable to procure publication in newspaper in county he may sell real estate without such notice, &c.

Sheriff's return, in case publication is not made.

CHAPTER LXXVII.

AN ACT to provide for the trial of certain causes in which changes of venue are granted, and to provide for the holding of the courts wherein such causes are pending, by the judge of another circuit, when called to try such causes.

[APPROVED MARCH 9, 1875.]

When change of venue has been granted, Judge of other court or practicing attorney may be called to try the cause.

In case parties fail to agree on attorney to try cause, Judge shall appoint same.

In what case, and how attorney shall be selected from three attorneys from another county, to try such cause.

Judge so selected, shall have power to determine and dispose of other causes.

Emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when a change of venue has been granted in any civil or criminal cause in any Circuit, Superior, or Criminal Court of this State, and the cause of such change is an objection to the Judge, any other Judge of any Circuit, Superior or Criminal Court of this State, may be called to try such cause, or any practicing attorney in good standing of any county, other than the one in which said cause is pending, may be called to try the same; *Provided*, That if the parties to such cause shall agree upon an attorney to try such cause, such attorney shall be appointed by the Judge of said court to try such cause, but on failure of such parties to agree upon an attorney to try such cause, the Judge of such court shall call some other Judge, or appoint a regular practising attorney of good standing of any county, other than the one in which said cause is pending; *Provided*, That if a Judge shall not be secured, nor an attorney agreed upon, the Judge shall make a list of three attorneys, none of whom shall be of the county where the trial is had, which list shall be presented by the Clerk, first to the plaintiff, who shall strike off the name of one attorney, then the defendant shall strike off the name of one attorney, and the remaining attorney shall act as Judge in the trial of the cause; *And Provided further*, That whenever, under the provisions of this act, any Judge shall be selected, after he shall have disposed of the cause he has been selected to try and determine, he shall have the same power to try, determine and dispose of all other causes upon the docket, the same as the regular Judge of the court in which such causes shall be pending.

SEC. 2. That an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

CHAPTER LXXVIII.

AN ACT in relation to the appointment of Receivers, and to authorize appeals in such cases.

[APPROVED MARCH 12, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That receivers shall not be appointed by any court, in any case, until the adverse party shall have appeared and answered in the action pending; or shall have had reasonable notice of the pendency of the action and the application for such appointment.

Receiver, when to be appointed by court.

SEC. 2. That in all cases hereafter commenced or now pending in any of the courts of this State, in which a receiver may be appointed or refused, the party aggrieved by such appointment or refusal to appoint may, within ten days thereafter, appeal from the decisions of the court to the Supreme Court, without awaiting the final determination of such case, and in cases where a receiver shall be or has been appointed, upon the appellant filing an appeal bond with sufficient surety, in such sums as may have been required of such receiver, conditioned for the due prosecution of such appeal and the payment of all costs or damages that may accrue to any officer or person by reason thereof, the authority of such receiver shall be suspended until the final determination of such appeal.

Appeal may be taken by party aggrieved, in case of appointment of, or refusal to appoint receiver.

Authority of receiver shall be suspended, when, &c.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

Emergency.

CHAPTER LXXIX.

AN ACT to provide for the sale of property held in trust in certain cases, as therein provided.

[APPROVED FEBRUARY 4, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That upon the complaint of the Trustee or cestui que trust of any trust, filed in the Civil Circuit Court or Superior Court of the proper county, any real estate in said county, belonging to or subject to said trust, may be sold by order of said court as hereinafter provided. It must be set forth in the complaint and shown to the satisfaction of the court, either,

On complaint of Trustee or cestui que trust real estate may be sold.

What must be set forth in complaint.

First. That the real estate, so held in trust, is liable to waste or depreciation in value.

Second. That the taxes, street assessments or costs and expenses for repairs exceed the income of said property, and liable to defeat the intention of the person creating the trust, or

Third. That the sale of the property and the safe and proper investment of the proceeds would inure to the advantage and benefit of the *cestui que trust*, and fulfill the purposes of the trust.

No order or decree for sale of said property shall be made until proper notice is given to all persons interested, who shall be made parties to proceedings. Appraisement of property, guardian *ad litem* and sale.

SEC. 2. No order or decree, for the sale of said trust property, shall be made, until notice by summons or publication, as provided for in civil actions, shall be given to all persons having directly or remotely an interest in the trust property, all of whom shall be made parties to said proceeding.

SEC. 3. The sale of said property, as to the appraisement thereof, appointment of guardian *ad litem* for infant defendants, and notice of sale shall be governed, in all respects, by the law regulating the sales of real estate by administrators of decedents' estates.

Trustee shall execute and file bond.

SEC. 4. The Trustee shall execute and file in the proper court a bond with security to be approved by the court, in a penalty of twice the appraised value of said property, payable to the State of Indiana, for the use of the persons interested in said trust, conditioned that he will faithfully and honestly discharge the duties of his said trust, safely invest the principal sum realized from the sale of said property, pay the interest to the *cestui que trust*, as the same may accrue from time to time, and at the expiration of the trust, will promptly account for, and pay over, whatever moneys or assets may be in his hands, to the person or persons entitled thereto; and the court may, from time to time, require additional bond and security for the faithful performance of said trust.

Court may require additional bond of Trustee.

Terms and conditions of sale.

SEC. 5. The terms and conditions of the sale shall be under the direction of the court; *Provided, however,* That if said property shall be sold at private sale, it shall not sell for less than its full appraised value; if at public sale, for not less than two-thirds of its appraised value.

How money, realized from sale to be invested by Trustee.

SEC. 6. It shall be the duty of the trustee to safely invest the money realized from such sale of said trust property, upon good real estate mortgaged security, preserving the principal sum from loss or diminution, and paying over, to the *cestui que trust*, the interest upon said principal sum, during the continuance of the trust.

SEC. 7. Upon the death of the *cestui que trust*, or upon the determination of the trust, according to the terms and conditions of the instrument creating it, it shall be the duty of the Trustee to at once account for and pay over, to the person or persons entitled thereto, the money and assets that may be on hands, belonging to the trust.

On the termination of the trust of the *cestui que trust*, Trustee shall account for and pay over money &c., to proper person.

SEC. 8. If any trustee of any trust now existing shall be dead, or any trustee of a trust now, or hereafter to be created, shall die, or for any cause refuse to act, the Civil Circuit Court, or the Superior Court of the proper county may fill the vacancy by the appointment of some suitable person, who shall execute bond for the faithful performance of the duties of his trust, as hereinbefore provided.

Vacancy in office of Trustee of any trust, how filled.

SEC. 9. Said Trustee, and the funds in his hands, shall be at all times under the equitable control of the Court having jurisdiction thereof, for the preservation of the funds, and carrying out the purposes of the trust.

Trustee, and funds in his hands shall be under the equitable control of court.

SEC. 10. It is hereby declared that an emergency exists for the immediate taking effect of this act, it is therefore declared that this act shall take effect and be in force from and after its passage.

Emergency.

CHAPTER LXXX.

AN ACT to amend Section sixteen of an act entitled "An act concerning promissory notes, bills of exchange, bonds or other instruments in writing, signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11th, 1861, and declaring an emergency.

[APPROVED MARCH 12, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Section sixteen of an act entitled "An act concerning promissory notes, bills of exchange, bonds or other instruments in writing, signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved

Section 16 amended.

Suit on negotiable note, &c., may be instituted against one or more of the parties liable thereon, &c.

Such suit shall be brought in county where one or more of the makers, drawers or acceptors reside, &c.
Emergency.

March 11th, 1861, be, and the same is hereby amended as follows, viz: The holder of any note or bill of exchange, negotiable by the law merchant, or by law of this State, may institute one suit against the whole or any number of the parties liable to such holder, but shall not, at the same term of court, institute more than one suit on such note or bill; *Provided*, That no judgment shall be rendered in such suit against any maker of such note, drawer or acceptor of such bill, unless suit is brought in the county where one or more of such makers, drawers or acceptors reside at the time such suit is begun.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

CHAPTER LXXXI.

AN ACT fixing the number of the Trustees of the Purdue University, prescribing the manner of their appointment, providing for the organization of said Board, and repealing all laws in conflict with the provisions of this act.

[APPROVED MARCH 9, 1875.]

Governor shall appoint six Trustees for Purdue University.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That upon the taking effect of this act, it shall be the duty of the Governor of this State to appoint six Trustees for the Purdue University, two of whom shall be nominated by the State Board of Agriculture, one by the State Board of Horticulture, and three selected by the Governor himself; each of said Trustees to be appointed from a different Congressional District from the others, except that two may be appointed from the same Congressional District in which said University is situate.

Terms of office of Trustees.

SEC. 2. The persons, so appointed, shall constitute the Board of Trustees of said University, and shall hold their offices as follows: two members of the first board shall hold their offices for one year, and until their successors are appointed; two for two years, and two for three years, and at the expiration of the term of office of any of the members of the first or any subsequent board, their successors shall be appointed in like manner and with like nomination as provided in this act, to hold their offices for the term of three years, and until their successors are appointed.

SEC. 3. If, from any cause, a vacancy occurs in said Board, the same shall be filled by appointment, to fill the unexpired term, the person appointed to fill such vacancy being nominated and appointed, or appointed in the same manner as his predecessor had been at the commencement of such term.

Vacancy in Board of Trustees, how filled.

SEC. 4. Said Trustees shall, at their first meeting after their appointment, and every two years thereafter, choose a President of said Board, and they shall at such meeting and every two years thereafter, and whenever a vacancy occurs, elect, by ballot, a Secretary and Treasurer, neither of whom shall be a member of the Board, whose compensation shall be fixed by said Trustees. The said Treasurer shall give bond to the State of Indiana in the sum of three hundred thousand dollars for the faithful execution of his trust, with sufficient sureties to the approbation of said Trustees, and he shall receive, take charge of, and, under the direction of said Trustees, manage all the stocks and funds belonging to said University.

President, Secretary and Treasurer of said Board and their compensation.

Treasurer shall give bond, and manage stock and funds of University.

SEC. 5. All laws and parts of laws, conflicting with any of the provisions of this act, are hereby repealed.

Laws repealed.

CHAPTER LXXXII.

AN ACT to amend an act entitled "An act supplemental to an act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies," approved May 12th, 1869, approved January 30th, 1873.

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Section two (2) of an act entitled "An act supplemental to an act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies," approved May 12th, 1869, approved January 30th, 1873, be amended so as to read as follows: Section 2. That in all cases where stock has been taken or donations made by any county or township, for the purpose of aiding in the construction of any railroad, pursuant to the above entitled act, and the special tax authorized thereby has been placed upon

Sec. 2 amended.

When collection of tax, assessed for building of railroad, shall be suspended and carried forward on duplicate, &c.

When Board of County Commissioners may make order cancelling subscription of stock and donation to railroad company.

When and in what case Commissioners shall order such tax to be collected.

Provide.

Emergency.

the duplicate of the proper county for collection, the Auditor and Treasurer of such county shall suspend the collection of such tax, but the same shall be carried forward on the duplicate, without being returned delinquent, until such railroad is permanently located in such county or township, and has expended an amount of money, in the actual construction of such railroad in such county or township, equal to the amount of money to be donated to, or stock to be taken in the said railroad company by said county or township, and if said railroad company shall not, within five years after said tax has been placed upon the duplicate for collection in the proper county, have expended, in the actual construction of said railroad in said county or township, an amount of money equal to the amount of money to be donated to, or stock to be taken in said railroad company, by said county or township, the Board of Commissioners may, in their discretion, make an order annulling and canceling such subscription of stock or donation of money, upon the application of twenty-five freeholders of the county through which said railroad shall pass, upon said freeholders having given thirty days public notice, immediately preceding the term of the Commissioners Court, at which said application is to be made, of their intention to make such application; *Provided, further*, That whenever it is shown to the satisfaction of the Board of Commissioners that the amount of work done, by any railroad company in any county or township taking stock in, or donating money to such railroad company, is equal to the stock taken, or donation made, it shall be the duty of the Board of Commissioners to order said tax to be collected at once, as though the same had never been suspended; *And, provided further*, That the provision of this act shall not apply to any railroad, in any case, where three years or more have elapsed since the tax, in aid thereof, shall have been placed on the tax duplicate for collection.

SEC. 3. [2.] Whereas, there exists an emergency, this act shall be in force from and after its passage.

CHAPTER LXXXIII.

AN ACT regulating the issuing and taking up of tickets and coupons of tickets by common carriers, and defining the rights of holders thereof, and other matters in relation thereto.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall not be lawful, from and after the taking effect of this act, for any officer or agent of any railroad company, steamboat, or other public conveyance of passengers for hire or reward, or for the operator or operators, manager or managers, (or his or their agent or agents), of any such railroad, steamboat or other public conveyance, to issue or sell any pass, ticket or coupon of a ticket, or certificate evidencing the holders' right to travel over or be transported in or upon such railroad, steamboat or other public conveyance, subject to any condition contained in or endorsed upon, or appended to such pass, ticket, coupon or certificate, whereby the liability of such carrier shall be abridged or limited, or whereby the rights of the holder of such pass, ticket, coupon or certificate shall be decreased or abridged, unless such condition shall be printed in nonpareil type, or in type or characters as large or larger than nonpareil type. Any such officer, agent, operator or manager, or the agent of such operator or manager, who shall violate the provisions of this section of the act, shall, upon conviction thereof, be fined not less than ten dollars, nor more than one hundred dollars, for each pass, ticket or coupon which he shall issue or sell, contrary to the provisions of this section; *Provided, however*, That nothing herein shall be held or construed to change, or in any manner affect the law as it now exists, regulating the liability of common carriers, or to enlarge their right to limit, or restrict their liabilities on account of having such attempted limitation printed, as required by this act.

Selling passes, tickets, coupons, &c., with certain printed conditions, &c., endorsed on same, to persons to be used in travel on railroads, steamboats, &c., unlawful, unless such conditions be printed in certain kind of type.

Penalty for violation of provisions of this section.

Proviso.

SEC. 2. That it shall be the duty of the owner or owners, or operator or operators, of every railroad and steamboat or other public conveyance for the transportation of passengers for hire, or reward, to provide each agent, who may be authorized to sell tickets or other certificates evidencing the right of the holder thereof to travel or be transported upon such railroad, steamboat or other public conveyance, with a certificate, setting forth the authority of

Agents for sale of tickets of railroad or other companies to be furnished with certificate of authority, &c.

such agent to make such sales, which certificate shall be signed by the managing officer, and duly attested by the corporate seal of the owner or operator of such railroad, steamboat or other public conveyance.

Redemption of unsold tickets, or parts thereof, or coupons, shall be provided for by company.

Rates of such redemption of tickets, &c.

Sale of unused portion of ticket, by persons otherwise than as provided for redemption thereof, a misdemeanor.

Provided, that persons having bought ticket, in good faith, from authorized agent, may sell same or part thereof to person to be used in traveling over same road, &c.

Penalty for violation, by owner, operator, manager, or agents of this provisions of third section of this act.

Unlawful for persons, not possessed of authority, mentioned in second section of this act, to sell, barter, or transfer tickets, passes, &c., except, &c.

SEC. 3. It shall be the duty of the owner or owners, operator or operators, of every railroad, steamboat, or other public conveyance of passengers for hire or reward, to provide, at each agency, for the sale of tickets, for the redemption of the whole of any ticket or any part or parts, or coupon of any ticket, which they may have sold, and which the purchaser, for any reason, shall not have used, at the following rates, namely: where the whole ticket is presented for redemption, at the full price paid for the same, and when a part or coupon of the ticket only is presented for redemption, then the redemption shall be at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the part of said ticket was actually used; and the sale, by any person, of the unused portion of any ticket, otherwise than by the presentation of the same for redemption as aforesaid, shall be deemed to be a misdemeanor, and shall be punished by a fine of not less than five dollars, nor more than fifty dollars; *Provided, however,* That this act shall not prohibit any person who shall have purchased a ticket from an agent, authorized, as is by this act provided, with the *bona fide* intention of traveling on the same, from selling such tickets or any part or coupon thereof, to any other person, to be used in good faith by such person in traveling over such railroad, or in or upon such steamboat, or other public conveyance.

SEC. 4. If any owner, operator or manager of any railroad, steamboat or other public conveyance of passengers, or his agent, shall violate any of the provisions of the third section of this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten, nor more than one hundred dollars.

SEC. 5. It shall not be lawful for any person, not possessed of the authority mentioned in the second section of this act, and not evidenced as therein provided for, to sell, barter or transfer, within this State, for any consideration whatever, the whole or any part of any ticket or tickets, passes or other evidence of the holder's title to travel on, or be transported in, or over any railroad, steamboat or other public conveyance, whether the same be situated, owned or operated within or without this State, except as provided for in section three.

SEC. 6. It shall be the duty of every agent who shall be authorized to sell tickets or parts of tickets, or coupons, as is provided for in the second section of this act, or other evidences of the holders title, to travel on any railroad, or in any steamboat or public conveyance, to keep his certificate of authority posted in a conspicuous place in his office, and also to exhibit the same to any person desirous of purchasing a ticket, or to any officer of the law who may request to see or inspect such certificate of authorization.

Agent to keep certificate of his authority posted up in a conspicuous place, and exhibit same, when.

SEC. 7. Any person who shall violate any provisions of either the fifth or sixth sections of this act, shall, upon conviction thereof, be fined not less than ten, nor more than one hundred dollars.

Penalties for violation of provisions of 5th and 6th sections of this Act. Special, half fare or excursion tickets exempt, &c.

SEC. 8. The provisions of this act shall not apply to special, half-fare or excursion tickets.

CHAPTER LXXXIV.

AN ACT for the protection of passengers on railroads.

[APPROVED MARCH 10, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the conductors of all trains, carrying passengers within this State, shall be invested with police powers while on duty on their respective trains.

Conductors of railroad trains invested with police powers.

SEC. 2. When any passenger shall be guilty of disorderly conduct, or use any obscene language, or play any games of cards or chance for money, upon any passenger trains, the conductor of such train is hereby authorized to stop his train at any place where such offense has been committed, and eject such passenger from the train, using only such force as may be necessary to accomplish such removal, and may command the assistance of the employees of the railroad company to assist in such removal, but before doing so, shall tender to such passenger such proportion of the fare he has paid, as the distance he then is from the place to which he has paid his fare bears to the whole distance for which he has paid his fare.

When and for what causes conductors may eject passengers from train.

Such conductor may command assistance of employees in such cases.

Proportion of fare paid shall be tendered such passenger, before being ejected.

SEC. 3. When any passenger shall be guilty of any crime or misdemeanor upon any passenger train, the conductor of such train may arrest such passenger and take him before any Justice of the Peace in the county in which such crime or misdemeanor is committed, and file an affidavit before such Justice of the Peace, charging him with such crime or misdemeanor.

Conductor may arrest passengers guilty of misdemeanor, or crime on the train, and take him before Justice of the Peace, &c.

Emergency.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore, be it further enacted, that this act shall take effect and be in force from and after its passage.

CHAPTER LXXXV.

AN ACT to provide for the election of a Reporter of the Supreme Court, the speedy publication of the decisions of such court, and for the compensation of such Reporter.

[APPROVED MARCH 13, 1875.]

Reporter of
Supreme Court,
when to be
elected, and
term of office.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That at the general election of the year 1876, and every four years thereafter, there shall be elected, by the voters of the State, a Reporter to report the decision of the Supreme Court, who shall hold his office for the term of four years from the expiration of the term of his predecessor, if he shall so long behave well.

What decisions
of such Court,
and within
what time after
being rendered,
they shall be
published.

SEC. 2. It shall be the duty of such Reporter to cause to be printed and published all the decisions of the Supreme Court, which, by this act, are required to be published, that shall be unpublished at the time of his taking such office, and those that are decided during his term of office within six months after the close of the term at which such decisions are rendered.

Reports of
decisions, how
to be printed,
and published.

SEC. 3. The reports of said decisions shall be printed on good paper and upon pages of as large size, and with types or print of no larger size than those of the previous volumes of the decisions of the Supreme Court of this State, and shall consist of the opinions of the Judges given in each case, that are, by this act, required to be published. Such opinions shall be published in full, and in manner and form as the said opinions were delivered by the Judges, with an analysis or syllabus of the parts decided, after the manner of the first and second volumes of Blackford's Reports, and there shall be attached, as an appendix to each volume, a table of all cases decided therein, alphabetically arranged, and a like table of all cases referred to.

Analysis or
Syllabus.

Appendix.

Judges of
Court shall
indicate what
decisions shall
be printed.

SEC. 4. It shall be the duty of the Judges of the Supreme Court, or a majority thereof, at the time of making any decision, to note thereon, by some appropriate mark or designation, whether or not the opinion in such case shall

be printed and published by such Reporter, and such court shall exclude from publication the opinion, in all cases, where the decision is rendered upon any principle or rule of law or equity, or practice, exclusively on the authority of former decisions of said court, and in such cases the title of the cause, the court from which the appeal was taken, and the final determination of the court on the questions arising in the record and decided by the court, with a citation of one or more of the authorities on which such decisions are rendered, shall alone be published.

SEC. 5. Whenever such decisions, ordered to be published, shall make not less than six hundred pages, exclusive of the appendix and index, said Reporter shall add an index thereto, and shall cause the same to be bound in good law binding into a volume to be styled, "Indiana Reports," and shall deliver forthwith to the Secretary of State, five hundred volumes thereof, and the Secretary of State shall cause the same to be distributed and disposed of as follows, to-wit: two copies to the Clerk's office of the Circuit Court of each county within this State, for the use of the courts of such county, and one copy to each college in this State, and the residue of such volumes he shall cause to be deposited in the Law Library of the Supreme Court of this State.

SEC. 6 The Secretary of State shall not receive such reports from such Reporter, unless the same shall fully comply in all respects with the provisions of this act, and on the delivery of such reports to such Secretary, he shall deliver to such Reporter a certificate stating the number of such reports received, and the volume thereof, and on presentation of such certificate to the Auditor of State, he shall draw a warrant on the Treasurer of State in favor of such Reporter for the sum of three dollars for each volume of such reports delivered to the Secretary of State, as shown by such certificate, which warrant shall be paid by the Treasurer of State out of any moneys in the treasury not otherwise appropriated, and such Reporter shall receive no other compensation, whatever, from the State for his services, or for such reports.

SEC. 7. The Reporter shall be entitled to the use of the manuscript opinions written by the Judges, and of the records, briefs and other papers filed in the office of the Clerk of the Supreme Court, for the purpose of making out his reports, and he shall also be entitled to the exclusive copy right of each volume published by him, after the same is published, and he shall be entitled to receive, for every volume of the size and description hereinbefore provided, such price as may be agreed upon between such Reporter and the purchaser, not exceeding three dollars per volume,

In what cases court shall exclude publication of its opinions, and what shall be published in such cases.

Size, publication, binding and style of reports.

Number of Reports to be delivered to Secretary of State. Secretary of State shall cause such reports to be distributed, and residue deposited in Law Library.

Secretary of State shall not receive such reports unless they comply with provisions of this act.

Secretary of State shall deliver to Reporter certificate stating number of Reports, and number of volumes received, upon which certificate Auditor of State shall draw warrant, &c. Price of Report, delivered to State.

Reporter entitled to manuscript opinions, briefs, &c.

Reporter entitled to exclusive copy right of reports, &c.

Price at which such reports may be sold by Reporter.

Newspapers
may publish
opinions or
abstract of de-
cisions.

Decisions and
reports to which
this act shall
apply.

Laws repealed.

and it shall not be lawful for him to receive directly or indirectly, or for any other person to demand or receive any greater price per volume; *Provided*, That nothing in this act be so construed as to prevent any newspaper of this State from publishing any opinion or abstract of any decision of said Court, whether the same be directed to be published by the Reporter or not.

SEC. 8. That all the provisions of this act shall apply to all decisions made, and to all reports published after the taking effect of this act.

SEC. 9. All laws in conflict with this act are hereby repealed, but nothing herein shall be construed to prevent the present Reporter from serving out the time for which he was elected, but he shall be governed by the provisions of this act.

CHAPTER LXXXVI.

AN ACT to authorize the Auditor of State to make a deed to Deloss Root for certain land therein described.

[APPROVED MARCH 11, 1875.]

Auditor of
State instructed
to convey cer-
tain described
lands to Deloss
Root.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Auditor of State be, and he is hereby instructed to convey, by a good and sufficient deed, to Deloss Root, the following described real estate in Madison county, in the State of Indiana: Twenty acres off of the north end of the west half ($\frac{1}{2}$) of the northwest quarter of section twenty (20), township eighteen (18), north of range seven (7) east. And such deed, when made, shall convey to said Deloss Root all the right, title and interest which the said State of Indiana has or had at the time said land was forfeited to her, and shall be taken, received and accepted as *prima facie* evidence of the regularity of the forfeiture and of the sale, by the State, to the said Deloss Root.

Auditor of
State to make
certain correc-
tions on record,
&c.

SEC. 2. The Auditor of State is hereby directed to make the proper corrections on the records of the Sinking Fund now in the possession of the Treasurer of State, in accordance with the conveyance herein provided for.

Emergency.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

CHAPTER LXXXVII.

AN ACT to amend the seventeenth section of an act, approved May 12, 1869, entitled "An act to provide for the organization of Savings Banks and the safe and proper management of their affairs."

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said Section seventeen of said act be, and the same is hereby so amended as to read as follows, to-wit: Section 17. The sums so deposited shall be repaid to each depositor, or his legal or authorized representatives, when required by him or by them, but at such times, and with such dividends from profits, and under such regulations, as the Board of Trustees may prescribe, not inconsistent with the provisions of this act, which regulations shall be put and kept up in some conspicuous place in the room where the business of the Savings Bank shall be transacted, and shall not be altered so as to affect any deposits which shall have been made previous to such alteration, until after notice to the person, making the deposit, so to be affected; *Provided, however*, That in order to prevent loss to the depositor, by enforced sales of considerable amounts of securities below their par value, it shall be lawful for the Trustees, in their discretion, to require a notice of one week before the withdrawal of any part of any deposit of more than ten dollars, and not exceeding a hundred dollars; of two weeks before the withdrawal of any part of any deposit of more than one hundred dollars and not exceeding five hundred dollars; of three weeks before the withdrawal of any part of any deposit of more than five hundred dollars and not exceeding one thousand dollars; of thirty days before the withdrawal of any part of any deposit of more than one thousand dollars and not exceeding two thousand dollars; of sixty days before the withdrawal of any part of any deposit of more than two thousand dollars and not exceeding three thousand dollars; and of ninety days before the withdrawal of any part of any deposit of over three thousand dollars; but in any case where a deposit has been made for a definite time, no notice for a withdrawal at the expiration thereof shall be necessary, unless the depositor

Section 17 amended.

Repayment of deposits, when and how made.

Regulations shall be put and kept up in conspicuous place, and not altered, &c.

Trustees may require notice of withdrawal of any part of deposit.

If deposit has been made for definite time, no notice of withdrawal need be given, unless, &c.

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In case bank is solvent, in order to prevent a run on same, &c. with written consent of Auditor, time of notice of withdrawal may be extended.

fails to withdraw the same within ten days; *And provided further*, That if at any time, in the opinion of the Auditor of State, any Savings Bank is solvent and doing business according to law, and that it is necessary in order to prevent a run on such bank, and also to prevent loss and sacrifice to the depositors, the Trustee of such bank may by and with the written consent of such Auditor, make any and all changes deemed necessary in regard to the notices which are above required to be given by the depositors for the withdrawal of their deposits, and also extend the time that notices shall be given by the depositors, for the withdrawal of any and all deposits, to any period of time not exceeding six months.

CHAPTER LXXXVIII.

AN ACT to amend the one hundred and fifty-third section of an act entitled "An act to provide for a general system of Common Schools, the officers thereof and their respective powers and duties, and matters connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6th, 1865.

[APPROVED FEBRUARY 25, 1875.]

Sec. 153
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the one hundred and fifty-third section of an act entitled "An act to provide for a general system of Common Schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6th, 1865, be amended to read as follows, to-wit: Section 153. The Governor of the State, the State Superintendent of Public Instruction, the President of the State University, the President of Purdue University, the President of the State Normal School, the Superintendents of Common Schools of the three largest cities in the State, shall constitute a Board to be denominated the Indiana State Board of Education. The size of the cities shall, for this purpose, be

Indiana State
Board of Education,
of whom constituted.

determined by the enumeration of children, for school purposes, annually reported, by School Examiners, to the Superintendent of Public Instruction. The Superintendent of Public Instruction shall, *ex officio*, be President of the Board, and in his absence, the members present shall elect a President *pro tempore*. The Board shall elect one of its members Secretary and Treasurer, who shall have the custody of its records, papers and effects, and shall keep minutes of its proceedings; *Provided*, That such records, papers, effects and minutes shall be kept at the office of the Superintendent and shall be open for his inspection. The said Board shall meet, upon the call of the President or a majority of its members, at such place in the State as may be designated in the call, and shall devise, adopt and procure a seal, on the face of which shall be the words, "Indiana State Board of Education," and such other device or motto as the Board may direct, an impression and written description of which shall be recorded on the minutes of the Board and filed in the office of the Secretary of State, which seal shall be used for the authentication of the acts of the Board and the important acts of the Superintendent of Public Instruction.

President of Board.

Secretary and Treasurer of Board, their duties, &c.

Records, &c. to be open to inspection.

Meetings of Board.

Seal.

CHAPTER LXXXIX.;

AN ACT to amend sections thirty-three, thirty-seven and forty-three, and supplemental section six of an act entitled "An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1855, [1865] and adding supplemental sections thereto, approved March 8th, 1873.

[APPROVED MARCH 9, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section thirty-three of said act be, and the same is hereby amended, so as to read as follows: Section 33. The County Commissioners of the several counties shall meet at the office of the County Auditor of their respective counties, on the first Monday of June, eighteen hundred and seventy-five, and biennially thereafter, and shall appoint a County Superintendent, who shall have

Section 33 amended.

County Superintendent, when to be appointed, and qualifications required.

County Superintendent shall take oath, and file same, and give bond.

County Auditor shall report name and Post Office address of such Superintendent to Superintendent of Public Instruction. Such County Superintendents are hereby prohibited from acting as agents for the sale or introduction of any text books, maps, school furniture or school apparatus, or supplies of any kind or description, and from receiving any compensation, gift or reward, in any form whatever, for recommending or using their influence in favor of the introduction or use of the same; and it shall be the duty of the Board of County Commissioners to dismiss any County Superintendent for immorality, incompetency or general neglect of duty, or other violations of the provisions of this section, but no County Superintendent shall be dismissed without giving him written notice, under the hand and seal of the Auditor, ten days before the first day of the term of the Court of Commissioners, at which the cause is to be heard, and the said notice shall state the charges preferred against the Superintendent, the character of the instrument in which they are preferred, whether petition, complaint or other writing, and in the name of those preferring the same. The duties required of the School Examiner by this act shall hereafter be performed by the County Superintendent. Whenever a vacancy shall occur in the office of County Superintendent by death, resignation or removal, the said County Commissioners, on the notice of the County Auditor, shall assemble at the office of said Auditor, and fill such vacancy for the unexpired portion of the term, in the manner herein provided, and the County Auditor shall be clerk of such election in all cases, and shall keep the record of such election in a book to be kept for that purpose.

Duty of School Examiners to be performed by succeeding Superintendents. Vacancy in office of such Superintendent, how filled.

Section 37 amended.

Public examinations shall be held. License shall not be granted upon a private examination.

had at least two years successful experience as a teacher, who shall be a citizen of such county, whose official term shall expire as soon as his successor is appointed and qualified, who, before entering upon the duties of his office, shall take and subscribe an oath that he will faithfully perform his duties as such officer, according to law, which oath shall be filed with the County Auditor, and shall execute a bond with freehold security, to the approval of the County Auditor, payable to the State of Indiana, in the penal sum of one thousand dollars, conditioned that he will discharge his duties according to law and faithfully account for and pay over to the proper persons all money which may come into his hands by reason of such office; and thereupon the County Auditor shall report the name and post office address, of the person appointed, to the Superintendent of Public Instruction. Such County Superintendents are hereby prohibited from acting as agents for the sale or introduction of any text books, maps, school furniture or school apparatus, or supplies of any kind or description, and from receiving any compensation, gift or reward, in any form whatever, for recommending or using their influence in favor of the introduction or use of the same; and it shall be the duty of the Board of County Commissioners to dismiss any County Superintendent for immorality, incompetency or general neglect of duty, or other violations of the provisions of this section, but no County Superintendent shall be dismissed without giving him written notice, under the hand and seal of the Auditor, ten days before the first day of the term of the Court of Commissioners, at which the cause is to be heard, and the said notice shall state the charges preferred against the Superintendent, the character of the instrument in which they are preferred, whether petition, complaint or other writing, and in the name of those preferring the same. The duties required of the School Examiner by this act shall hereafter be performed by the County Superintendent. Whenever a vacancy shall occur in the office of County Superintendent by death, resignation or removal, the said County Commissioners, on the notice of the County Auditor, shall assemble at the office of said Auditor, and fill such vacancy for the unexpired portion of the term, in the manner herein provided, and the County Auditor shall be clerk of such election in all cases, and shall keep the record of such election in a book to be kept for that purpose.

SEC. 2. That section thirty-seven of said act be, and the same is hereby amended so as to read as follows: Section 37. The County Superintendent shall hold at least one public examination each month in the year, in his county, and in no case shall he grant a license upon a private examination, and all licenses granted by him shall be

limited to the county in which they are granted; *Provided, however,* That such Superintendent may charge and collect, from each person so examined, the sum of one dollar, but no per diem shall be allowed such Superintendent for any time he may be employed in such examination, or for any time necessarily employed in making out such certificates.

SEC. 3. That section forty-three of said act be and the same is hereby amended to read as follows, to-wit: Section 43. The County Superintendent shall receive three dollars for every day actually employed in the discharge of the duties required and permitted in this act, and no more. The number of days in which the County Superintendent shall labor each year, in the performance of his duties required of him in visiting schools, shall be determined by the Board of County Commissioners of each county, as they in their discretion may deem just and proper; *Provided,* That the number of days allowed such Superintendent, for visiting schools in any county, shall not be more than one half the number of schools in such county, in any one year. The number of days, allowed for office work each year, shall not exceed twenty. The County Auditor shall draw his warrant on the County Treasurer for the amount allowed by the Board in favor of such Superintendent, and the Treasurer shall pay the said warrant out of the ordinary county revenues.

SEC. 4. And that supplemental section six to said act, [be] and the same is hereby amended to read as follows, to-wit: Section 6. Such Superintendent shall see that the full amount of interest on school fund is paid and apportioned, and when there is a deficit of interest of any school fund, or loss of any school fund or revenue by the county, that proper warrants are issued for the reimbursement of the same, but no *per centum*, beyond what is provided for herein and allowed, shall in any case be paid him by said Board of Commissioners.

SEC. 5. All laws or parts of laws, in conflict with the provisions of this act, are hereby repealed.

SEC. 6. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Licenses shall be limited.
License Fee.
No per diem shall be allowed such Superintendent for time employed in such examinations.

Section 43 amended.

Per diem allowance of such Superintendent.

Number of days in which such Superintendent shall labor in visiting schools.

Number of days to be allowed such Superintendent for office work.
Services of such Superintendent, how paid for.

Sec. 6 amended.

Such Superintendent shall see that interest on School Fund is paid and apportioned, &c.

Laws repealed.

Emergency.

CHAPTER XC.

AN ACT to amend section fifty-five of an act entitled "An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6th, 1865, and declaring an emergency.

[APPROVED MARCH 9, 1875.]

Section 55
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section fifty-five of an act entitled "An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6th, 1865 be, and the same is hereby amended so as to read as follows, to-wit:

Purchase money, when and in what installments to be paid.

Interest.

Deferred payments, how to be regarded and to whom reported.
Provide

Section 55. One fourth of the purchase money shall be paid in hand and the interest for the residue for one year in advance, and the residue in ten (10) years from such sale, with like interest annually in advance; and deferred payments shall be regarded as a part of the congressional township school fund, and reported as such by the Auditor to the Superintendent of Public Instruction; *Provided*, That When one fourth part or more of the value of the lands so sold, at the time of such sale, shall consist of the timber growing thereon, the terms of sale in such case may be as follows, viz: at least one half of the purchase money cash in hand, and interest from the residue, for one year, in advance, and the residue in annual payments, in not exceeding ten [10] years from such sale, with like interest annually in advance, [and] an in such case, the terms of sale shall be set forth in the notice provided for in section fifty-four of said act; and *Provided further*, That whenever the purchaser of any such land shall be proceeding to cut or remove, or threaten to cut or remove from such lands, so sold, timber growing or being thereon, to such an extent that the land, after the cutting or removal of such timber, shall not be equal in value to the amount of purchase money, with interest then remaining

Terms of sale shall be set forth in notice.

When action shall be brought to restrain and enjoin the cutting and removal of timber from land.

unpaid, it shall be the duty of the Trustee of the civil township in which such land is situated, and he is hereby authorized and empowered to commence and maintain an action, in the name of such township, in the Circuit Court of the county, to restrain and enjoin the further cutting or removal of such timber.

SEC. 2. Whereas, an emergency exists for the immediate Emergency. taking effect of this act, the same shall take effect and be in force from and after its passage.

CHAPTER XCI.

AN ACT to amend Section one of an act entitled "An act to amend an act entitled 'an act to provide for a general system of Common Schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,' approved March 6, 1865, and adding supplemental sections thereto," approved March 8th, 1873.

[APPROVED MARCH 12, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Section one of the above entitled act be amended to read as follows: Section 1. That Section five of the above recited act be amended to read as follows, to-wit: Section 5. The Common Council of each city, and the Board of Trustees of each incorporated town of this State, shall, at their first regular meeting in the month of June, elect three School Trustees who shall hold their office one, two and three years respectively, as said Trustees shall determine by lot at the time of their organization, and annually thereafter shall elect one School Trustee who shall hold his office for three years; said Trustees shall constitute the School Board of the city or town, and, before entering upon the duties of their office, shall take an oath faithfully to discharge the duties of the same. They shall meet within five days after their election and organize by electing one of their number President, one Secretary and one Treasurer. The Treasurer, before entering upon the duties of his office, shall execute a bond, to the acceptance of the County Auditor, conditioned as in ordinary official bonds,

Sec. 1 amended.

Time of election of School Trustees in towns and cities, and length of terms of office.

Such Trustees shall take oath. Organization of Board of School Trustees and election of officers. Treasurer of such board shall give bond.

President and Secretary shall give bond, &c.

Vacancy in such board how filled.

Such Board shall reorganize annually.

Compensation of such School Trustees.

Emergency.

with at least two sufficient freehold sureties, who shall not be members of said Board, in a sum not less than double the amount of money which may come into his hands, within any one year, by virtue of his office. The President and Secretary shall each give bond with like sureties, to be approved by the County Auditor, in any sum not less than one-third of the Treasurer's bond. All vacancies that may occur in said Board of School Trustees shall be filled by the Common Council of the city or Board of Trustees of the town, but such election to fill a vacancy shall only be for the unexpired term. The Board of School Trustees shall each year, within five days after the annual election of a member, reorganize their Board and execute their respective bonds for the ensuing year. Said Trustees shall receive for their services such compensation as the Common Council of the city or the Board of Trustees of the town may deem just, which compensation shall be paid from the special school revenue of the city or town.

SEC. 2. Whereas, the provisions of this act are necessary for the guidance of Boards of School Trustees before the publication of the laws of this session, therefore an emergency exists for the immediate taking effect of this act, and it shall be in force from and after its passage.

CHAPTER XCII.

AN ACT to authorize and empower Manual Labor Schools, organized and incorporated under the laws of this State, to accept and execute indentures of apprenticeship, and to make such indentures transferable by such corporations, and prescribing the rights and duties of the transferee in case of such transfer.

[APPROVED MARCH 11, 1875.]

Manual Labor Schools may accept and execute indentures of apprenticeship.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any Manual Labor School, organized and incorporated under any general or special law of this State, is hereby authorized and empowered to accept and execute indentures of apprenticeship, according to the provisions of the statute in such case made and provided, and to have the same rights, and assume the same liabilities thereunder, as in case of natural persons.

SEC. 2. Such indenture shall be executed for and in the name of such corporation by the Trustees thereof, or by some officer or person thereto authorized by such Trustees, and such Trustees shall be personally liable during the existence of such indentures, or until a legal transfer thereof shall be made, as hereinafter provided, for the performance of all covenants and agreements therein stipulated to be performed by such corporation.

Such Indentures
how executed

Trustees liable
for covenants,
&c. of such In-
dentures.

SEC. 3. It shall be lawful for such corporation, by and with the consent of such apprentice and his parents, if living in this State, and upon order of the Judge of the Circuit Court for good cause shown, to transfer any indenture, taken pursuant to this act, to any person of lawful age and capable of contracting, provided that such transfer shall be made by an agreement in writing executed by the Trustees, or by some officer or person authorized by them, and also by the transferee, and to be approved by the Judge of the Circuit Court, containing an agreement, on the part of such transferee, to assume and be bound by all the covenants and obligations in such indenture stipulated to be performed by such corporation, which said agreement shall be executed, acknowledged and recorded in the same way and manner as is by law provided for the indentures themselves.

Transfers of
such Indentures
when and how
the same may
be done.

SEC. 4. Upon the execution of such agreement in manner and form as aforesaid, the transferee of such indenture shall at once be invested with all the rights and powers, and become subject to all the duties and obligations created by the said indentures, the same to all intents and purposes as though such transferee had been the original party to such indenture instead of such corporation.

Transferee of
such Indenture
invested with
all rights.

CHAPTER XCIII.

AN ACT authorizing the appointment of Short-hand Reporters for certain courts of record in this State, (in counties containing a population of 70,000, or more,) and prescribing their duties, and compensation of such Reporters.

[APPROVED MARCH 10, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That for the purpose of facilitating and expediting the trial of causes in the several counties of this State whose population, according to the last preceding*

Short Hand
Reporters, in
what counties,
by whom
and when they
may be appoint-
ed.

United States census, is or may be 70,000 or over, the Judges, (or a majority of them), of the Circuit, Criminal and Superior Courts, (according as there may be the one or more of such courts in such county), may appoint one or more short-hand reporters to take down, in short-hand, the evidence, and to note the proceedings in the trial of causes pending in such courts, whenever, in the opinion of the the Judge presiding at the trial of a cause, the evidence ought to be so taken down, and the proceedings so noted, or when the parties to the cause agree that the same shall be done.

Such Reporter shall take an oath.

SEC. 2. Before proceeding to exercise his office, such reporter shall take an oath, before some officer empowered to administer oaths, faithfully to perform his duties.

What shall be taken down by such Reporter.

SEC. 3. It shall be his duty to be promptly present whenever he shall be required by any Judge of such court or courts of his county, and to take down accordingly, in short-hand, the oral evidence delivered in the cause, including both questions and answers, to note all rulings of the Judge in respect to the admission and rejection of evidence, and the objections and exceptions thereto.

Transcript of evidence shall be furnished by such Reporter.

SEC. 4. Whenever, in any cause, such Reporter shall be requested by either party to furnish to such party a transcript of the evidence or any part thereof, it shall be his duty to furnish the same, written in a plain, legible, long-hand, as soon after being requested as practicable; *Provided*, That the Reporter may require payment for such transcript, or the same satisfactorily secured to him, before he proceeds to do the work required of him.

Reporter may require payment for such transcript in advance, &c.

Compensation of such Reporter, what the same shall be and payment thereof.

SEC. 5. The compensation of such official reporter shall be as follows: He shall be allowed a compensation, to be fixed by the presiding Judge, of not more than ten dollars per day for each day actually employed in court in the taking of testimony, which shall be certified, audited and paid in like manner as is provided by law for the payment of the Sheriff for attending upon the court, and said official reporter may charge and collect, as fees, ten cents per folio of one hundred words, for making and furnishing transcripts of his short-hand notes of the testimony, to be paid by the party requiring such transcript.

Reporter's manuscript of evidence may be used in case of appeal.

SEC. 6. Whenever, in any cause, such verbatim report shall have been made by an official reporter, the original long-hand manuscript of the evidence, by him made, may be filed with the Clerk of the court by the party entitled to the use of the same, and in case of an appeal to the Supreme Court, or Superior Court in General Term, it shall be the duty of the Clerk, if requested to do so by said party, to certify the said original manuscript of evidence, when the same shall have been incorporated in a bill of exceptions, to

Clerk of Court shall certify to such manuscript of evidence.

the Supreme Court or other Court of Appeal, instead of a transcript thereof, and the said original manuscript of evidence may be used in the Supreme Court, or other Court of Appeal in the same manner and for all purpose in and for which a certified transcript thereof might heretofore be used, and in such cases the Clerk of the Court shall not be entitled to any fees for that part of the transcript of record containing the evidence.

SEC. 7. Such reporter or reporters may, at any time, be removed by the Judge or Judges of the Courts of Record of his county, and in every case of vacancy in the office of reporter, it shall be the duty of such Judge or Judges to fill the vacancy as soon after its occurrence as practicable.

Removal from office, of such Reporter, and appointment to fill vacancy therein.

SEC. 8. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER XCIV.

AN ACT to amend the first section of an act entitled "An act to prevent the introduction and spread in this State of the Spanish Cattle Fever, and declaring the bringing of Texas or Cherokee cattle into this State, or the purchasing the same at certain seasons of the year, a misdemeanor, and prescribing the penalty therefor," approved February 10th, 1869, and declaring an emergency.

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of an act entitled "An act to prevent the introduction and spread, in this State, of the Texas or Spanish Cattle Fever, and declaring the bringing of Texas or Cherokee cattle into this State, or the purchasing of the same, at certain seasons of the year, a misdemeanor, and prescribing the penalty therefor," approved February 10th, 1869, be, and the same is hereby amended so as to read as follows, to-wit: Section 1. Any person driving, or in any manner bringing Texas or Cherokee cattle into this State at any time before the first day of October, and after the first day of April in any year, and any person, purchasing the said cattle, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than one thousand nor more

Sec. 1 amended.

Misdemeanor to bring into the State or purchase Texas or Cherokee Cattle before Oct. 1st and after April 1st.

Penalty.

than ten thousand dollars, and shall be imprisoned, in the discretion of the Court, not exceeding one year in the jail of the proper county.

Emergency.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, the same shall take effect and be in force from and after its passage.

CHAPTER XCV.

AN ACT to amend section nine of an act entitled "An act to amend an act entitled 'An act providing for the election or appointment of Supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,'" approved March 5th, 1859, approved December 20th, 1865.

[APPROVED MARCH 11, 1875.]

Sec. 9 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section nine of the above entitled act be amended to read as follows, to-wit:

SEC. 9. That section twenty-nine of said act, which reads as follows, to-wit: Section twenty-nine. All moneys in the treasury of any county, belonging to a road district thereof, shall be paid over to the Trustee of the township in which such district is situate, on the warrant of the proper Auditor, and shall be applied to the benefit of such district. The money so paid to the Township Trustee shall be by him paid out on the order of the Supervisor or Supervisors of such township. All moneys and labor intended for the improvements of roads shall be expended thereon on or before the fifteenth day in September in each year, be, and the same is amended, to read as follows, to-wit: Section twenty-nine. All moneys in the treasury of any county, belonging to a road district thereof, shall be paid over to the Trustee of the township in which such district is situate, on the warrant of the proper Auditor, and shall be applied to the benefit of such district. The money so paid to the Township Trustee shall be by him paid out on the order of the Supervisor or Supervisors of such township. All moneys and labor, intended for the improvement of roads, shall be expended thereon on or before the fifteenth day of August in each year; *Provided however,* That when any such money is in the county treasury, which may have been collected from the tax payers, or of the property within any

Money in County Treasury, belonging to road district, shall be paid to Township Trustee and by him paid out on orders of Supervisor.

Money and labor for improvement of roads, how to be expended. When such money shall be paid to Treasurer of town, and how expended.

incorporated town, or belonging to such town, the same shall, upon the warrant, of the Auditor, be paid to the Treasurer of such town, and such money shall be expended for the benefit of the streets and highways in such town, as the Trustees of such town may direct.

SEC. 2. Whereas an emergency exists, this act shall be **Emergency.**
in force from and after its passage.

CHAPTER XCVI.

AN ACT to amend sections 272 and 273 of an act entitled "An act to provide for the uniform assessment of property and for the collection and return of taxes thereon," approved December 21st, 1872, and declaring an emergency.

[APPROVED FEBRUARY 6, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section numbered 272, of an act entitled "An act to provide for the uniform assessment of property and for the collection and return of taxes thereon," approved December 21st, 1872, be, and the same are [is] hereby amended to read as follows: Section 272. In all cases when any tract or lot of land is divided into parcels so that it can not be described without describing it by metes and bounds, it shall be the duty of the owner to cause such land to be surveyed and platted into lots; such plat shall be certified and recorded; the description of real estate, in accordance with the number and description set forth in the plat aforesaid, shall be deemed a good and valid description of the lot or parcel of land so described; *Provided, however,* That the provisions of this section shall not apply to any tract or parcel of land until the same shall have been returned delinquent for the non-payment of taxes.

Sec. 272
amended.

When owner of land shall cause land to be surveyed and reported for purpose of assessment. Plat shall be certified and recorded. Description shall be deemed good and valid. Provisions of this section not to apply to land unless the same has been returned delinquent.

SEC. 2. *And be it further enacted,* That section 273 of said act be, and the same is hereby amended so as to read as follows: Section 273. If the owner of any such tract or lot of land shall refuse or neglect to cause such survey to be made, within thirty days after being notified by the County Auditor of such delinquency and requirement to make such plat, said Auditor shall cause such survey to be made and recorded, and the expense thereof shall be added to the tax levied on such real property, and when collected shall be paid on demand to the persons to whom it is due.

Sec. 273
amended.

Owners failing to have land surveyed within thirty days, County Auditor shall have same surveyed, &c.

Expense of surveying to be added to tax on land.

Emergency

SEC. 3. An emergency exists for the immediate operation of this act, it shall therefore be in force from and after its passage.

CHAPTER XCVII.

AN ACT to amend Sections 102, 107, 108, 125 and 270, and to repeal Section 276 of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21st, 1872, repealing all laws in conflict herewith, adding supplemental sections to said act, and declaring an emergency.

[APPROVED FEBRUARY 11, 1875.]

Sec. 102
amended.

Real property
shall be listed
and assessed in
1876, and every
five years there
after.

Person to be
assessed with
real estate
owned or
purchased on
1st of April.

Sec. 107
amended.

Township
Assessors, when
to be elected
and term of
office.

Assessors shall
give bond.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Section 102 of said act be, and the same is hereby amended to read as follows, to-wit: Section 102. All real property in this State, subject to taxation under this act, including real estate becoming taxable for the first time, shall be listed and assessed to the owner or owners thereof by the Assessor for the year one thousand eight hundred and seventy-five and every five (5) years thereafter, with reference to the amount owned on the first day of April of the current year, including all property purchased on that day; *Provided*, That no assessment of real property shall be considered as illegal by reason of the same not being listed or assessed in the name of the owner or owners thereof.

SEC. 2. That Section 107 of the above recited act be amended to read as follows, to-wit: Section 107. At the general election in October, A. D. one thousand eight hundred and seventy-six, and every two years thereafter there shall be elected in each township of the several counties in the State an Assessor for such township, who shall hold his office for the term of two years, and until his successor be elected and qualified, and shall perform all such duties as now are or may hereafter be required to be performed by Assessors. Such Assessor, previous to entering upon the discharge of the duties of his office, shall give bond with good and sufficient security, to the acceptance of the Board of County Commissioners, in the sum of two thousand dollars, payable to the State of Indiana, and conditioned for the faithful and impartial discharge of the duties of his

office, according to law, and shall take and subscribe an oath or affirmation, to be endorsed on his bond, that he will faithfully and impartially discharge the duties of his office to the best of his skill and ability, and the bond so endorsed shall be deposited with the County Auditor, and the said Auditor is hereby authorized to administer the oath of office aforesaid.

Assessors shall take and subscribe an oath or affirmation to be endorsed on bond.

Bond, where deposited.

County Auditor to administer oath.

Sec. 108 amended.

SEC. 3. That Section 108 of the above entitled act be amended so as to read as follows, to-wit: Section 108. If any Township Assessor shall not, within ninety days after his election, give bond and security, or shall not take and subscribe the oath or affirmation required by the preceding section, the said office shall be considered vacant, and the County Auditor shall at once fill such vacancy by appointment, and the person appointed to fill the vacancy shall give bond and take the oath as required in the preceding section.

When office of Assessor shall be considered vacant.

County Auditor shall fill vacancy in office of Assessor.

SEC. 4. That section 125 of the above entitled act be amended to read as follows, to-wit: Section 125. The assessment of the real estate, made in pursuant of the provisions of this act, shall constitute the basis upon which the taxes within the State shall be assessed for the ensuing five years and until a re-assessment shall have been made, as provided in this act.

Sec. 125 amended.

Assessment on real estate to be basis of assessment for next five years.

SEC. 5. That section 270 of the above recited act be amended so as to read as follows, to-wit: Section 270. If any Township Assessor, from any cause whatever, shall be unable to perform the duties required of him within the time designated by law, he may, by and with the advice and consent of the County Auditor, appoint one or more suitable persons to act as deputies to assist him in making the assessment, and may designate the portion of the township, city or town in which such deputy or deputies are authorized to list and assess property. Such deputies shall make their returns to the proper Assessor.

Sec. 270 amended.

County Assessors may appoint deputies, with advice and consent of County Auditor.

Deputies to make return to Assessor.

SEC. 6. That section 276 of the above entitled act be, and the same is hereby repealed.

Sec. 276 repealed.

SEC. 7. It shall be the duty of the Board of Commissioners, in each county in the State, at their regular March Term, A. D. one thousand eight hundred and seventy-five, to appoint some suitable person in each township in their respective counties, as Township Assessor, whose duty it shall be to qualify and give the bond provided for in this act, or in the act to which this is an amendment, and enter upon the duties of said office at the time, and perform all the duties required by said act; *Provided, further,* That wherever, in said act, the word County Assessor occurs, the same shall be construed to mean, in accordance with this act, "Township Assessor," and the duties and obligations,

Board of County Commissioners shall appoint Township Assessors.

Assessors appointed shall qualify, give bond, and enter upon duty, when.

County Assessor shall be construed to mean "Township Assessor."

as well as the powers vested in the County Assessors, shall be vested in, and be binding upon the Township Assessor.

Compensation
of Township
Assessor, and
how paid.

SEC. 8. The Township Assessors, provided for in this act, shall receive, as compensation for the services therein required of them, the sum of two dollars per day and no more, to be paid to them from the County Treasury upon the Auditor's warrant.

Laws repealed.

SEC. 9. All laws or parts of laws in conflict with the provisions of this act are hereby repealed, and the office of County Assessor is hereby abolished.

Emergency.

SEC. 10. An emergency is hereby declared for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

CHAPTER XCVIII.

AN ACT to amend Section two hundred and sixty-nine (269) of an act entitled "An act to provide for the uniform assessment of property, and for the collection and return of taxes thereon," approved December 21st, 1872.

[APPROVED MARCH 11, 1875.]

Sec. 269
amended.

Auditor of
State shall
bring suit for
recovery of
taxes in certain
cases
where property
has been
released from
just proportion
of State taxes.

Auditor shall
levy tax, &c.

County Auditor
shall extend
such rates.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section two hundred and sixty-nine (269) of the above entitled act be, and the same is hereby amended to read as follows, to-wit: Section 269. Whenever it shall come to the knowledge of the Auditor of State that any county, township, city or town, or any well defined locality thereof, or any particular class of property therein, has heretofore been, or may hereafter be released from any cause whatever from its just and lawful proportion of State taxes, said Auditor shall cause suit to be commenced in an action of debt, in the name of the State of Indiana, either against the municipality or against the property unjustly released from taxation, or the owners thereof, for the amount of such tax, in any court of this State, and when judgment may be recovered in any such cause, the Auditor shall levy a rate of tax on the equalized valuation of all property, or particular class of property in such county, township, city, town or locality, as the case may be, as will pay the State the amount of such judgment and costs, and it shall be the duty of the County Auditor of the proper county to extend such rates of tax with the State tax of the year, directed in

the Auditor's certificate. Any County Auditor neglecting or refusing to extend such rate, as certified to him by the Auditor of State, shall be removed from his office, and in addition thereto shall be subject to a fine of five thousand dollars, and damages caused by such neglect or refusal, to be sued for by the Auditor of State, in an action of debt, in the name of the State of Indiana, in any court of this State; *Provided*, That in cases where the Auditor and proper local authorities of the proper municipality can arrange to make such levy to reimburse the State in such cases without suit, the Auditor of State is hereby authorized to pursue such course; *And provided further*, That the provisions of this section shall not be so construed as to authorize the State to recover taxes from any county, municipality or person which may have been omitted to be collected by reason of a reduction in the value of property by any district, or State Board of Equalization, although such Boards may afterwards have been declared illegal, and such reduction, therefore, void.

Penalty for County Auditor neglecting or refusing to extend such rates.

When levy can be made to reimburse State, Auditor of State authorized to pursue such course. In what cases provisions of this act not to apply.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, the same shall, therefore, be in force from and after its passage.

Emergency.

CHAPTER XCIX.

AN ACT to legalize the assessment of taxes in certain cases, providing that certain maps, plats, records and ordinances shall be admitted in evidence, providing that hereafter cities and towns, may, if they so determine, copy their appraisalment and assessment from the County Auditor's duplicate, and declaring an emergency.

[APPROVED MARCH 9, 1875.]

WHEREAS, Many towns and cities in this State, which have been duly and legally incorporated under the laws thereof, have been prevented from collecting taxes for municipal and school purposes, for the following causes, to wit: When the same have been omitted to be placed on the duplicate, or when the assessment has not been made in the proper month, or when said corporations have failed to make, or enter any special rules or regulations on their records for the assessment or collection of taxes, or when such entries have been irregular or defective, or when, instead

Preamble.

of making an appraisalment and assessment, for the purposes named, the proper officers have copied the appraisalment and assessment furnished the auditors of the respective counties in which such corporations are situated, or where the Boards of Equalization of said corporations have failed to set as a Board of Equalization, or when the proper officers have failed to deliver the duplicate to the proper officers on or before the first Monday in August following such assessment;

AND WHEREAS, Such omissions and irregularities have occasioned doubts as to the legality of such assessment, and as to the authority of such corporations to collect such taxes, and thereby the educational and other interests of such corporations are suffering and necessitating the passage of numerous acts by the General Assembly from time to time to legalize such assessment; *Therefore*, in order to legalize the same by a general law, and to give to such corporations the same power to collect such taxes as is now by law given to the proper officers to assess and collect taxes for State and county purposes:

Assessment and collection of taxes in towns and cities in certain cases, for municipal and school purposes, legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of any Board of Trustees of any town or Common Council of any city, legally incorporated under the laws of this State, heretofore had, relating to the time and manner of making assessments and collection of taxes on real and personal property for municipal and school purposes, as well as the records, rules, by-laws and regulations relating to the same, are hereby legalized and made valid; notwithstanding the informalities and irregularities referred to in the preamble of this act; *And provided further*, that the original plat of said corporations, with the subsequent additions and the maps, and all ordinances of the same, shall be received as competent evidence in all courts of competent jurisdiction, for all purposes for which they may be required.

Plats, maps and ordinances of such towns and cities competent evidence.

Town or city may procure from County Auditor copy of appraisalment of property and adopt same, &c.

SECTION 2. The Board of Trustees of any town and the common council of any city, legally incorporated under the laws of this State, may, in any year, if they so determine, instead of having an appraisalment and assessment made by the corporation officers, procure, from the Auditor of the county in which such town or city is situated, a copy or copies of the appraisalment of real estate within such town or city, and of the assessment of persons and personal property within such town or city, on file in his office, for the purpose of assessment of taxes for State and county purposes for such year, and after adding thereto any persons or property liable to taxation which shall have been omitted

therefrom, and striking out any persons or property improperly included therein, may adopt the same as the appraisal and assessment for municipal and school purposes of such corporations.

SEC. 3. The Auditors of the several counties in this State are hereby authorized and required to furnish the list or lists of appraisements and assessment as required by the preceding section, upon a certificate order of said Board of Trustees or Common Council, and they shall be allowed the same fees for such services, as they are now allowed by law for making the tax duplicate for State purposes, which compensation shall be paid out of the treasury of such town or city.

County Auditors shall furnish lists of appraisements, and assessments, and entitled to receive certain fees for same.

SEC. 4. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER C.

AN ACT declaring what shall, in certain cases, be the state of the assessment of taxes upon the real estate in cities and incorporated towns, and prescribing the duties of Common Councils and Trustees of incorporated towns in relation thereto, and prescribing the duties of County Auditors in certain cases.

[APPROVED MARCH 11, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That, as the basis of assessment of taxes on real estate in cities and incorporated towns, the Common Council of such cities and the Board of Trustees of incorporated towns may adopt the appraisal of real estate, within the corporate limits of such city or incorporated town, made under the provisions of the act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21st, 1872, and acts amendatory and explanatory, and supplementary thereto, and it is hereby made the duty of the County Auditor of any county, where such city or incorporated town is situated, to furnish to the Clerk of such city or the Clerk of such incorporated town, a certified copy of such appraisal, in the manner listed, and to whom charged upon his duplicate as the same stands upon the duplicate at the time when furnished, upon the request of

Incorporated cities and towns may adopt county appraisal as basis of assessment of taxes.

County Auditor shall furnish clerk of such city or town certified copy of such appraisal, &c.

Fees of County Auditor for such services, and how paid.

Clerk of such city or town shall copy such list on duplicate which shall be basis of assessment.

the Common Council of such city, or Board of Trustees of such incorporated town, which appraisement shall be furnished by such Auditor on or before the first Monday in January following appraisement, under the provisions of the act mentioned above, and following every new appraisement of real estate for State and county purposes; and each Auditor shall be allowed the same fee for such service as he may be at the time allowed by law for making tax duplicates, which shall be paid out of the treasury of such city or incorporated town, and the Clerk of such city or incorporated town shall copy such list, so furnished by such Auditor, upon the city duplicate, or the duplicate of such incorporated town, which shall be the basis of assessment of the real estate of such city or incorporated town.

CHAPTER CI.

AN ACT legalizing the assessment, equalization, levy and collection of municipal taxes for the years 1873 and 1874, providing that the general law governing State and county taxation, so far as the same provides for the manner and time of making the assessment and collection of taxes, shall apply to incorporated cities and towns, and declaring an emergency.

[APPROVED MARCH 11, 1875.]

Preamble.

SECTION 1. WHEREAS, there is no express provision in the act approved December 21st, 1872, entitled "An act to provide for a uniform assessment of property, and the collection and return of taxes thereon," that makes the same applicable to incorporated cities and towns; **AND WHEREAS,** The general law governing cities, approved March 14th, 1867, for the incorporation of cities, provides a different time, mode and manner for the assessment, equalization, levy and collection of taxes by cities, owing to which uncertainty of application, some cities have acted under the one and other cities under the other law, so that the assessment, levy and collection have not been uniform; *therefore,*

Assessment, equalization and collection of municipal taxes in incorporated cities for 1873 and 1874 legalized.

Be it enacted by the General Assembly of the State of Indiana, That the acts of the Assessors, Common Councils, Boards of Trustees, Boards of Equalization, and the other municipal officers of the various cities of this State, who have adopted the general law for the incorporation of cities

In their assessment, equalization, levy and collection of municipal taxes for the years 1873 and 1874, whether done under the general law governing cities or towns, or the law appertaining to State and county taxes, be and the same are hereby legalized.

SEC. 2. Hereafter the general law of the State and amendments thereto, approved December 2d, 1872, for the uniform assessment of taxes, shall apply to all incorporated cities and towns not having special charters, so far as the same shall be applicable; *Provided*, That all city taxes shall be paid on or before the third Monday in April in each year.

What law, for assessment of taxes, shall apply to incorporated towns and cities.

By what time city taxes should be paid.

SEC. 3. Whereas, many cities in this State are withholding the enforcement of taxes levied by them for the years 1873 and 1874, there is an emergency for the immediate taking effect of this act, it shall, therefore, be in force from and after its passage.

Emergency.

CHAPTER CII.

AN ACT to authorize incorporated towns to negotiate and sell bonds to procure means with which to complete unfinished buildings for public purposes, and authorizing the levy and collection of an additional special tax for the payment of such bonds.

[APPROVED FEBRUARY 25, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any incorporated town in this State, which shall have heretofore, by the action of its Board of Trustees, commenced the erection of any public building, to be used as a market house, engine house, or for other public purposes, and shall not have the necessary means with which to complete such building, on the passage of an ordinance authorizing the same, by the Board of Trustees of said incorporated town, issue the bonds of such town, to an amount not exceeding in the aggregate ten thousand dollars, in denominations not less than fifty dollars, nor more than five hundred dollars, and payable at any place that may be designated in the bonds, the principal in not less than one year, nor more than ten years after the date of such bonds, and the interest annually, or semi-annually, as may be therein provided, to provide the means with which to complete such building; *Provided*, That such bonds shall not

When and in what cases incorporated towns may issue bonds for purpose of completing public buildings.

Amount, denomination of and terms upon which such bonds shall be sold.

be sold at a price less than ninety-four cents on the dollar, nor bear a greater rate of interest than eight per centum per annum.

Proceeds of sale of bonds shall be paid to treasurer of town, who shall give bond.

SEC. 2. The proceeds of the sales of such bonds shall be paid to the Treasurer of said incorporated town, to enable said Board of Trustees to complete such building, but before payment to said Treasurer he shall file with the Board of Trustees a bond, payable to the State of Indiana, in a sum not less than the full amount of the said money to be paid to him, and with security to be approved by said Board of Trustees, conditioned for the faithful and honest application of said money to the purpose for which the same was provided.

Additional tax may be levied to pay interest on such bonds.

SEC. 3. In addition to the levying the tax by incorporated towns for general purposes, now authorized by law, the Board of Trustees of any incorporated town, which shall avail themselves of the provisions of this act, are hereby authorized and required to levy, annually, a special additional tax at the same time and in the same manner as other taxes of such town are levied, sufficient to pay the interest of said bonds falling due, which additional special tax shall be assessed and collected as the taxes for State and county revenue are assessed and collected, and the Treasurer of said town shall keep accurate accounts of the revenue arising from such special tax, and shall, in his reports, when required by the Board of Trustees, show the amount thereof, if any, remaining delinquent. He shall pay out the same only by the authority of the Board of Trustees of such town, and shall permit the same to be applied to no other purpose than the payment of the principal and interest of such bonds; *Provided, always,* That the additional special tax hereby authorized shall not, in any one year, exceed fifty cents on each one hundred dollars of taxable property and one dollar on each poll.

Treasurer of town shall keep account of revenue derived from said tax, and pay same out, how and for what purposes.

Extent of such tax.

Emergency.

SEC. 4. An emergency existing for the immediate taking effect of this act, it shall be in force from and after its passage.

CHAPTER CIII.

AN ACT to legalize taxes for 1874, of the incorporated town of Auburn, in DeKalb county, Indiana, and the proceedings of the proper officers in relation thereto, and to empower the proper officers to collect said taxes, and declaring an emergency.

[APPROVED FEBRUARY 16, 1875.]

WHEREAS, There are some doubts as to the taxes levied by the authorities of the incorporated town of Auburn, in the county of DeKalb and State of Indiana, for the year 1874, having been levied strictly in conformity with the laws in force at the time ; Preamble.

AND WHEREAS, Said authorities have contracted a debt in the purchase of a site for a school house, and require the proceeds of said taxes to pay said debt, and for other purposes, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acts and proceedings of the Board of Trustees, and other proper authorities of the incorporated town of Auburn, in the county of DeKalb and State of Indiana, in assessing and levying the taxes of said town for the year 1874, be and the same are hereby legalized, and the proper officer, or officers of said town are hereby authorized and empowered to collect said taxes in as full and ample a manner as if they had been assessed and levied in strict conformity with the laws in force at the time. Taxes levied and assessed in town of Auburn in 1874 legalized, and collection of authorized.

SEC. 2. An emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage. Emergency.

CHAPTER CIV.

AN ACT legalizing the Board of Trustees of the Town of Bainbridge, Putnam county, and all official acts of said Board done in pursuance of "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved January 11th, 1852.

[APPROVED MARCH 11, 1875.]

Preamble.

WHEREAS, Said town of Bainbridge was duly and legally incorporated under and in pursuance of the above entitled act;

AND WHEREAS, Said Board of Trustees and officers were, in May, 1874, duly elected;

AND WHEREAS, There was some informality in the returns of said election;

AND WHEREAS, Said informality has caused some doubt as to the legality of the acts of said Board, and the acts of the officers of said town;

AND WHEREAS, By reason of said doubt the educational and other interests of said [town] are suffering; therefore,

Election of Board of Trustees and other officers of town of Bainbridge, and their official acts legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election of the Board of Trustees of the town of Bainbridge, Putnam county, Indiana, and the other officers of said town, and all the official acts of said Board and officers be, and the same are hereby legalized and made valid.

Emergency.

SEC. 2. Whereas, An emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

CHAPTER CV.

AN ACT to legalize the election of the Boards of Trustees, and of all the other officers of the Town of Bloomington, Monroe County, Indiana, for the years 1873 and 1874, and to legalize all of their official acts, by-laws, ordinances, regulations and proceedings, passed, adopted and executed by them, under and in pursuance of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11th, 1852.

[APPROVED MARCH 9, 1875.]

WHEREAS, The Board of Trustees of said town, and all the other officers thereof, through a misapprehension of the law, were voted for and elected by the citizens thereof at four district and different wards or voting places in said town, and an irregularity occurred in making and returning the certificates of said election, by the inspectors of said different wards or voting places; and the said Board of Trustees of said town, through mistake and oversight, failed, in the years 1873 and 1874, to determine the amount, and make the assessment and levy of the taxes for the said town within the time prescribed by law; and it is represented to the General Assembly that the interests of said town are now suffering, and are likely to further suffer irreparable injury therefrom; therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the election of the Boards of Trustees, and of all the other officers of the town of Bloomington, Monroe County, Indiana, for the years 1873 and 1874, and all of the official acts and parts of acts of the said Boards of Trustees of said town, and of the officers thereof, and all ordinances passed, the assessment and levying of all taxes by them be, and the same are hereby legalized and rendered valid.

Election of officers and their acts for 1873 and 1874 legalized.

Ordinances and assessments and collection of taxes legalized.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Emergency.

CHAPTER CVI.

AN ACT to legalize the official acts of the Board of Trustees of the town of Boonville, Warrick county, Indiana, and all other officers of said corporation, under the "Act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11th, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.

[APPROVED MARCH 9, 1875.]

Preamble.

WHEREAS, Said town of Boonville was duly and legally incorporated under, and in pursuance of the above act; AND WHEREAS, Some doubts exist as to the regularity and legality of the order of the Board of Trustees of said town of Boonville, for the assessment of taxes for corporation and school purposes, and to the legality of said assessment made in pursuance of said order; AND WHEREAS, By reason of said doubt the educational and other interests of said town are suffering therefrom; therefore,

Ordinances, orders, by-laws, &c. of town of Boonville legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the order of said Board of Trustees of the town of Boonville, in the county of Warrick, of the assessment of property therein for taxation for school and all other purposes as well as the rules, by-laws and regulation, for the government of said town, heretofore made and done by the officers of said town, be and the same are hereby legalized and made valid; *And provided further*, That said original plat of said town, and the map and all ordinances of the same, shall be received and admitted as competent evidence in all courts, for the purpose of attesting the acts of said Board of Trustees, and for all purposes whatever, for which they may be required in all courts of law.

Original plat; map and ordinances of said town to be received as competent evidence, &c.

Emergency.

SEC. 2. An emergency exists for the immediate taking effect of this act, it shall therefore be in force and take effect from and after its passage.

CHAPTER CVII.

AN ACT to legalize the official acts of the several Boards of Trustees of the town of Chesterton, in Porter county, Indiana, and to legalize the acts of incorporation thereof, and all other officers of said corporation, under "An act for the incorporation of Towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11th, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof, and declaring an emergency.

[APPROVED MARCH 10, 1875.]

WHEREAS, The said town of Chesterton was duly and legally incorporated under and in pursuance of the above entitled act; Preamble.

AND WHEREAS, It appears that at the time said town was incorporated there was a failure to make a record of some parts of the proceedings of said incorporation in the Auditors and Recorders' offices of said Porter county, in which county said incorporation was had in the year 1869;

AND WHEREAS, The Boards of Trustees of said Town failed to make an assessment for taxes in said town in the year 1874;

AND WHEREAS, The several Boards of Trustees thereof have, from time to time, levied taxes in pursuance of said act, for school purposes, and to improve and repair the school house, and to build a jail therein, and have a fund now on hand for these and various other purposes, and have, from time to time, passed ordinances regulating the grading of streets, and for the impounding of animals running at large within the limits of said town;

AND WHEREAS, It has been represented to the General Assembly that the educational interest of said corporation is likely to suffer irreparable injury, and the title to real estate purchased by said town is likely to fail; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all acts and parts of acts, and all ordinances concerning streets and the grading thereof, acts of incorporation, and legalizing the same, elections held therein, levying taxes for school and all other purposes, and ordinances and acts in pursuance thereof, and for the impounding and sale of animals running at large within the limits of said town, and the purchase of land for school house and jail therein, by the several Boards of Trustees

Act, ordinances,
&c. of Boards of
Trustees of
town of Ches-
terton, legalized

thereof, be and the same are hereby legalized and rendered valid as though the records were properly made and kept, and all assessments and elections were properly made, had, and held.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Emergency.

CHAPTER CVIII.

AN ACT to legalize the elections held in the years 1872, 1873 and 1874 in the town of Knightstown, Henry county, Indiana, and to legalize the official acts of the several Boards of Trustees of said town for said years, and to legalize the assessment and levying of taxes by said corporation, under "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11th, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

[APPROVED MARCH 11, 1875.]

Preamble.

WHEREAS, The town of Knightstown, in Henry county, was duly and legally incorporated under and pursuant to the provisions of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11th, 1852;

AND WHEREAS, The inspectors of the elections in the years 1872 and 1873 failed to make out a certified statement over their signatures of the persons elected to fill the several offices in said town, and cause the same to be filed with the Clerk of the Circuit Court of said county, within the time provided by law;

AND WHEREAS, the Boards of Trustees of said town, acting as such by virtue of said elections, and the Board for the year 1874 have, from time to time, levied taxes, in pursuance of the aforesaid act, for the erection of a school house and for school purposes and for other purposes, and

have, from time to time, passed ordinances regulating the grading of streets in said town, and for the benefit of said town ; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the municipal elections held in the town of Knightstown, in Henry county, in the years 1872, 1873 and 1874 are hereby legalized and made valid, and that all ordinances, orders, elections, appointments, and official acts ordained, made and performed by the Boards of Trustees and other officers of said town elected and appointed in the years aforesaid, including all levies and assessments of taxes for building a school house and other purposes, and the elections of school trustees and their official acts as such are hereby legalized and made valid to the same extent, as the same would have been legal and valid, if all of the aforesaid elections had been in all respects legal.

Ordinances, elections, orders &c. of Board of Trustees of town of Knightstown in 1872, 1873 and 1874 legalized.

SEC. 2. An emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Emergency.

CHAPTER CIX.

AN ACT to legalize the incorporation of the town of Martinsville, Morgan County, Indiana, and to legalize all levies and assessment of taxes made, passed and adopted by the Board of Trustees of said town, and declaring an emergency.

[APPROVED MARCH 9, 1875.]

WHEREAS, The town of Martinsville, Morgan County, Indiana, was incorporated under and in pursuance of "An act for the incorporation of towns, defining their powers, providing for the election of officers, and declaring their duties," approved June 11th, 1852;

Preamble.

AND WHEREAS, Some doubts exist as to the legality of the incorporation of said town ;

AND WHEREAS, The Board of Trustees of said town have levied and assessed taxes for said town after the time specified in the 30th section of the aforesaid act ;

AND WHEREAS, By reason of all which the educational and other public matters of said town are impaired; therefore;

Incorporation
of town of Mar-
tinsville legal-
ized.

Taxes levied
and assessed
legalized and
collectable.

Emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the incorporation of the town of Martinsville, county of Morgan, State of Indiana, in all things be, and the same is hereby legalized and made valid, and that any and all levies and assessments of taxes made by the Board of Trustees of said town, after the time provided by law, be, and the same are hereby legalized and made valid, and the said taxes are declared collectable, the same as if levied and assessed at the proper time.

SEC. 2. An emergency exists for the immediate taking effect of this act, therefore the same shall be in full force and effect from and after its passage.

CHAPTER CX.

AN ACT to legalize the acts of the incorporation of the town of Portland, Jay county, Indiana, and to legalize each and every official act of the several Boards of Trustees of said corporation, and all other acts of each and every officer of the same, under "An act for the incorporation of towns, defining their powers, providing for the election of the officers, and declaring their duties," approved June 11th, 1852, and all by-laws, rules, regulations, and proceedings adopted in pursuance thereof.

[APPROVED MARCH 6, 1875.]

Preamble.

WHEREAS, It appears that no survey and map of the town of Portland are on file, or recorded among the records of the Auditor's office of Jay county, Indiana, at the date of the order of the Board of County Commissioners declaring said town of Portland incorporated;

AND WHEREAS, There is no evidence on file in said Auditor's office that an accurate census was taken, or copy of such census of the resident population of such territory proposed to be incorporated, as required by law;

AND WHEREAS, There is no record evidence on file in the Auditor's office for said Jay county as to the result of the submission of the question of incorporation to the legal voters of said territory;

AND WHEREAS, It has become eminently necessary that said town of Portland, or the corporation thereof, proceed to erect a suitable school building in said corporation ;

AND WHEREAS, The same can not be accomplished without the issuing and sale of bonds by said corporation ;

AND WHEREAS, The inhabitants of said town of Portland have acquiesced in said act of incorporation since September, 1866, now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all acts and parts of acts, and all ordinances concerning streets, side walks, alleys and the grading and improvement thereof, and all acts of the Board of School Trustees in purchasing a site for the erection of school building for said corporation, and all other acts and ordinances, of whatsoever nature, are hereby legalized and rendered valid as fully and completely as though the records, plats and all things pertaining to the original incorporation were properly and legally made and done at the time of said incorporation, and that said town of Portland shall be deemed and held to be legally incorporated. .

Acts, parts of acts and ordinances legalized. Town of Portland to be deemed and held legally incorporated.

SEC. 2. An emergency existing requiring the immediate taking effect of this act, therefore, this act to be in force from and after its passage.

Emergency.

CHAPTER CXI.

AN ACT to legalize the incorporation of the town of Tipton, Tipton county, Indiana, and the official acts of the several Boards of Trustees of said town, and all other officers of said corporation, under "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring duties," approved June 11th, 1852, and by-laws, rules, regulations and proceeding adopted in pursuance thereof.

[APPROVED MARCH 10, 1875.]

WHEREAS, Said town of Tipton was incorporated under and in pursuance of the above entitled act ;

Preamble.

AND WHEREAS, It appears that certain portions of the records of the proceedings of incorporation of said town, and certain records of the proceedings of the several Boards of Trustees and other officers of said town, have been lost or destroyed ;

AND WHEREAS, The action of some of the Boards of Trustees have been irregular, and the loss and irregularity of said records have caused doubts to be entertained of the legality of the incorporation of said town, and the legality of the acts of the several Boards of Trustees of said town, and other officers of said corporation;

AND WHEREAS, Said several Boards of Trustees have, from time to time, levied taxes in pursuance of said act for school purposes, and a portion of the same applied to the purchase of land and the building of a school house thereon, to the amount of several thousand dollars, and have passed, from time to time, ordinances regulating the grading and draining of streets in said town;

AND WHEREAS, It has been represented to the General Assembly that the educational and improvement interests of said town and corporation are likely to suffer irreparable injury, and the title to said school house and real estate thus purchased is liable to fail; therefore,

Acts for incorporation of town of Tipton, and ordinances, &c. of Boards of Trustees thereof legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all acts and parts of acts for the incorporation of the town of Tipton, Tipton county, Indiana, and all ordinances concerning streets and estimates made for the improvements thereof, and the grading and draining thereof, levying and collection of taxes for school and other purposes, and the purchase of real estate for building a school house thereon, and the other acts by the several Boards of Trustees and other officers of said corporation, be and the same are hereby legalized and rendered valid.

Emergency.

SEC. 2. An emergency exists, therefore this act shall be in force from and after its passage.

CHAPTER CXII.

AN ACT to legalize the acts of the Board of Trustees of the town of Worthington, in Greene county, in the annexation of certain additions to the said town.

[APPROVED MARCH 11, 1875.]

Action of Board of Trustees of town of Worthington in extension of boundaries legalized, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts of the Board of Trustees of the town of Worthington, in the county of Greene, in the extension of the boundaries of the corporate limits

of the said town, including certain additions to said town within such corporate limits, as the same are now recorded in the recorder's office of the said county of Greene, are hereby legalized and made valid in as full and ample a manner as such proceedings can be made by law, and all the acts of said Board of Trustees over the said additions are hereby legalized and made valid.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage. Emergency.

CHAPTER CXIII.

AN ACT legalizing the election of officers of the town of Zionsville.

[APPROVED MARCH 9, 1875.]

WHEREAS, At the municipal election, of the town of Zionsville, in the county of Boone, in the State of Indiana, held on the fifth (5) day of May, 1873, the legal voters of said town duly elected Trustees, Marshal, Clerk, Treasurer and Assessor of said town, and the inspector of said election failed to make returns of said election to the Clerk of Circuit Court of said county, within ten days, as required by law; Preamble.

AND WHEREAS, The said officers, so elected as aforesaid, duly qualified and acted as such, in good faith, without any knowledge whatever of the failure of such return, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election of Trustees, Marshal, Clerk, Treasurer and Assessor of the town of Zionsville, on the fifth (5) day of May, 1873, be, and the same is hereby legalized and made valid, to all intents and purposes, and all acts and official duties, performed by the said officers of said town, shall not be held invalid, because of any informality in the return of said election to the Clerk of the Circuit Court, or failure of the proper officer to make the same. Election of officers on May 5th, 1873, and their official acts legalized.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, the same shall therefore be in force from and after its passage. Emergency.

G. L.—11

CHAPTER CXIV.

AN ACT to limit the power of Township Trustees in incurring debts, and requiring him to designate certain days for transacting township business.

[APPROVED MARCH 11, 1875.]

In what cases Township Trustee shall procure order of County Commissioners to contract indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever it becomes necessary for the Trustee of any township in this State to incur, on behalf of his township, any debt or debts, whose aggregate amount shall be in excess of the fund on hand to which such debt or debts are chargeable, and of the fund to be derived from the tax assessed against his township for the year in which such debt is to be incurred, such Trustee shall first procure an order from the Board of County Commissioners of the county in which such township is situated, authorizing him to contract such indebtedness.

Such Trustee shall file petition and make affidavit, before such order shall be granted.

SEC. 2. Before the Board of Commissioners shall grant such order, the Township Trustee shall file, in the Auditor's Office of his county, a petition setting forth therein the object for which such debt or debts are to be incurred, and the approximate amount required, and shall make affidavit that he has caused notice to be given of the pendency of such petition by posting notices, in not less than five public places in his township, at least twenty days prior to the first day of the session of said Board.

Such Trustee shall give notice on what days he will attend to business of township, and contracts, payment of claims, &c. shall not be made on any other days.

SEC. 3. Such Township Trustee shall designate certain days in each week or month, as may be required, in which he will attend to the business of his township, and cause notice thereof to be given to the inhabitants of such township; and all contracts, auditing and payment of claims, shall be made only on such designated days.

CHAPTER CXV.

AN ACT to authorize the United States of America to acquire title to land in the State of Indiana by condemnation, prescribing the manner in which such condemnation shall be made, and declaring an emergency.

[APPROVED JANUARY 29, 1875.]

WHEREAS, The State of Indiana, by an act of the General ^{Preamble.} Assembly, has given its consent that the United States of America may acquire title by purchase to one or more pieces of land in the city of Evansville in said State, whereon to erect a building for a post office and other public purposes ;

AND WHEREAS, The said United States have selected a site in said city of Evansville, upon which to erect such public buildings ;

AND WHEREAS, There is a portion of said site to which the said United States can not acquire title by purchase, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever the United States of America shall desire to acquire title to a tract of land, in the State of Indiana, for any purpose, and the said State shall have given its consent to such acquisition, it shall be lawful for the said United States to acquire title to such tract of land by condemnation in the manner hereinafter provided. U. S. A. may acquire land in State of Indiana by condemnation.

SEC. 2. Whenever the United States of America shall desire to acquire title to any land within the State of Indiana, in the manner provided for in the first section of this act, the said United States shall file, in the office of the Clerk of the Circuit Court of the county in which the land sought to be appropriated is situate, a petition addressed to the Judge of said Court, which petition shall contain a full and accurate description of the land sought to be appropriated, the names of the owners thereof, with their places of residence, if known, and if the names of the owners be not known, the fact shall be stated, and a statement of the purpose for which the acquisition of the title to such land is desired, together with a prayer for the appointment of appraisers to appraise the value of the land, described in the petition, and to assess the damages which will accrue to the owners thereof by reason of said appropriation. U. S. A. desiring to acquire land by condemnation in State of Indiana, shall file petition in Circuit Court, setting forth what.

Circuit Court or Judge thereof in vacation, shall cause case to be docketed.

Parties to suit.

Day to be fixed for appointment of appraisers.

Clerk to issue writ to Sheriff, showing what.

Such writ, how served.

Publication, when to be made by clerk.

Appointment of appraisers to appraise damages.

Appraisers shall be sworn.

When another day may be fixed for appointment of appraisers.

Property to be appraised at cash value, and each owner's interest separately.

Report of appraisement shall be filed and

SEC. 3. Immediately upon the filing of the petition as in the preceding section required, the said Circuit Court, or the Judge thereof, if said petition be filed in vacation, shall cause a case to be docketed upon the docket of said court, making the said United States, plaintiff, and the owners of the land sought to be appropriated, defendants, and said Court or Judge shall forthwith make an order fixing the day upon which the said Court or Judge will appoint Appraisers in accordance with the prayer of said petition, and shall in said order, direct the Clerk of said Court to issue a writ to the Sheriff of each county in said State of Indiana, in which any owner of such land may reside, which writ shall contain a notice to the owners of the land sought to be appropriated, of the filing of the petition, the date fixed for the Appointment of appraisers, together with a brief statement of the material facts of the said petition, and shall be served upon the owners of the land sought to be appropriated, as other writs are served, at least ten days prior to the date fixed for the appointment of appraisers, and in case any of the owners of said land do not reside in the State of Indiana, or in case the owners of said land or any of them are unknown, the Clerk shall make publication in said matter as required by law in cases of non-residency and unknown ownership in other actions in said Circuit Court.

SEC. 4. On the day fixed for the appointment of Appraisers, as aforesaid, the said Circuit Court, or the Judge thereof, if in vacation, shall, if due service has been made, or in case any of the owners are non-residents of the State of Indiana, or are unknown, if publication has been made as in the preceding section required, appoint three disinterested freeholders of the county in which the land sought to be appropriated is situate, to appraise the damages which the owners of the land will sustain by such appropriation, which Appraisers shall be duly sworn by the Clerk of said Court, to faithfully perform their duty as such Appraisers. If for any reason the appointment of Appraisers can not be made on the day first fixed, the Court or Judge aforesaid shall fix another date for such purpose, and shall make such further orders in said matter as may be found necessary.

SEC. 5. Said Appraisers shall forthwith, upon actual view, appraise at its true cash value, the land sought to be appropriated, together with the improvements thereon, if any, and in case there is more than one owner, they shall, if practicable, appraise the property of each owner separately, and shall immediately file a report of their appraisement in writing, with the Clerk of said Court, who shall

record the same, together with all orders and other proceedings in such matter, in the order book of said Court, and, if the said report be approved by said Court or Judge, upon the payment of the amount of the said appraisement to the Clerk of said Circuit Court, by the United States, together with all costs of the proceedings, the title to such land shall vest in the United States; and it is hereby made the duty of said Clerk to receive and receipt for said money, and pay the same over to the parties entitled to receive the same, under the direction of the said Circuit Court or the Judge thereof.

SEC. 6. Either party may appeal from the report of the appraisers to the Circuit Court, by filing written exceptions thereto in the Clerk's office within ten days from the filing of such report, in which case, if such appeal be taken in term time, the said Court shall forthwith direct a jury of disinterested freeholders to be empaneled to assess the damages to the owners of the land sought to be appropriated, caused by such appropriation, and, should the appeal aforesaid be taken in vacation, the Judge of said Court shall immediately proceed to have a jury empaneled, and to have the said damages assessed, in the same manner, as if said appeal had been taken in term time, and the said appeal shall be tried, in the same manner as other cases are tried in said Court, and the costs thereof taxed according to law, as in other cases; *Provided*, That, notwithstanding said appeal, the United States may take possession of the property described in the petition, and the proceedings on appeal shall only affect the amount of compensation to be allowed; *And provided further*, That the said United States may, at any time, stop the proceedings, pay the costs, including such reasonable attorney's fee as may be allowed by the court, to the person, or persons, whose land is sought to be appropriated, and refuse to make the appropriation if, in their judgment, the compensation assessed is too great to justify such appropriation.

SEC. 7. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall take effect and be in force from and after its passage.

Recorded together with all orders, &c.
Upon approval of report by court or Judge and payment of damages and costs by U. S. A. title to same shall vest in U. S. A.
Clerk shall receive and receipt for money and pay same over under direction of Court or Judge.
Appeal.

Appeal taken in term time, how tried.

Appeal taken in vacation, how tried.

U. S. A. may take possession of land notwithstanding appeal.

U. S. A. may at any time stop proceedings, pay costs and attorneys fees, and refuse to make appropriations.

Emergency.

CHAPTER CXVI.

AN ACT to authorize a change of name of certain educational institutions organized under any special charter in this State, and declaring an emergency.

[APPROVED MARCH 9, 1875.]

Name of University and College may be changed, when.

SECTION 1. *Be it enacted by the General Assembly [of the State of Indiana,]* That any university or college organized and incorporated under the provisions of any special charter granted by the General Assembly of this State, may, by a vote of a majority of its Board of Directors, Trustees or Managers, change the name thereof; *Provided,* That such change shall be made before the first day of July, eighteen hundred and seventy-nine.

Emergency.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

CHAPTER CXVII.

AN ACT amendatory and supplemental to an act entitled "An act providing for voluntary assignments of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same," approved March the 5th, 1859, and declaring an emergency.

[APPROVED FEBRUARY 1, 1875.]

Trustee shall collect rights and credits of assignor, when and how.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section 10 of an act entitled "An act providing for voluntary assignments of personal and real property, in trust for the benefit of creditors, and regulating the mode of administering the same," approved March the 5th, 1859, be, and the same is hereby amended to read as follows: Section 10. The Trustee shall, as soon as possible after said appraisement is filed, proceed to collect the rights and credits of the assignor, and shall, after giving thirty days notice of the time and place, as provided for in the 6th section of this act, proceed to sell at public auction

the property appraised, (except such as has been set off to the assignor,) to the highest bidder, for cash or upon credit, the Trustee taking notes with security, to be approved by him, and payable not more than twelve months from date with interest; *Provided*, That the Judge of the Court having jurisdiction thereof, may, for good cause shown, order such property sold at private sale for not less than the full appraised value thereof; *And provided further*, That the Judge of said Court, may, for good cause shown, order the sale of any real estate so assigned, to be sold on credit, and shall divide the payments into installments, to fall due at such time as the Court may order; *Provided*, The last of said installments shall be due and payable, not to exceed two years from the date of such sale. A full return, under oath, shall be made of the sale, by the Trustee, to the Clerk of the Court having jurisdiction thereof, who shall file the same with the other papers in the case.

Purchaser's notes.

Private sale of property.

Sale of property on credit.

Return of sale shall be made under oath.

SEC. 2. That the surviving partner or partners, of any firm doing business in this State, shall have full power to make assignments under the act to which this is a supplement, and where assignments have been made by such surviving partner or partners, the same is hereby legalized.

Surviving partner may make assignment.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, therefore, the same shall be in force from and after its passage.

Emergency.

CHAPTER CXVIII.

AN ACT to amend the tenth section of an act entitled "An act providing for voluntary assignments of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same," approved March 5th, 1859.

[APPROVED FEBRUARY 26, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section ten of the above entitled act be, and the same is hereby amended to read as follows, to-wit: Section 10. The Trustee shall, as soon as possible after said appraisement is filed, proceed to collect the rights and credits of the assignor, and shall, after giving thirty days notice of the time and place, as provided in the 6th section of this act, proceed to sell at public auction, the property appraised, (except such as has been set off to the

Section 10 amended.

Collection of rights, &c., of assignor, and sale of property by trustee.

Return of sale
by trustee.

Judge of Court
may extend
time for selling
property.

Judge may
extend credits
on sales and
ratify private
sales.

Supervisory
power of Court
over estate of
assignor.

Emergency.

assignor), to the highest bidder for cash or upon credit, the Trustee taking notes with security to be approved by him, waiving relief from valuation or appraisement laws, payable not more than twelve months from date, with interest. A full return, under oath, shall be made of the sale by the Trustee, to the Clerk of the Circuit Court, who shall file the same with the other papers in the case; *Provided*, That said Court, or the Judge thereof in vacation, may, upon the sworn petition of the Trustee, or on like petition of a creditor or creditors of assignor, for good cause shown, extend the time for selling said property, or any portion thereof, to such time or times as the Court or Judge may determine will subserve the best interest of the creditors, and may, also, in like manner, extend the credits on sales, not exceeding two years. The Court may, also, on like petition, authorize or ratify private sales of said property, when it is shown that such sales were, or will be beneficial to the creditors of the assignor. The Court shall exercise a supervisory power over the estate of the assignor, and may make all necessary orders in the interest of the creditors, for its control and management by the Trustee, before sale.

SEC. 2. An emergency for the immediate taking effect of this act exists, and the same is hereby declared to be in force from and after its passage.

CHAPTER CXIX.

AN ACT supplemental to an act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12th, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, and providing that the Boards of Commissioners of counties shall, in certain cases, allow for the support of orphan children, who are cared for by associations organized under the third specification of the second section of said act, and requiring such orphan children to be furnished with homes, as expeditiously as practicable, and making the Senior Commissioner in service a member *ex-officio* of the Board of Officers of such association; also providing that no distinction shall be made on account of the navy, complexion, or religious belief of such orphan or their parents.

[APPROVED FEBRUARY 26, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever any voluntary associations shall have been organized in any county in this State under an act approved February 20th, 1867, and particularly described by its title in the title to this act, and shall have been so organized for more than one year under the third division of section two of said act, and such association shall be maintaining an asylum for the care, support, discipline and education of orphan children, it shall be the duty of the Board of Commissioners of such county to examine, under oath, the officers of such association, at each regular session of the Board of Commissioners, as to the number of orphan children the said association shall have had at their asylum since the last preceding regular meeting of the Board of Commissioners of such county, and it shall be the duty of of such Board of Commissioners to allow to such association the sum of twenty-five cents per day for each day each orphan child shall have been cared for, maintained and supported by such association; *Provided*, It is proven to the satisfaction of such Board of Commissioners that each orphan, so cared for by such association, would have been a charge upon such county and a proper subject to be placed in the asylum for the poor, authorized by law in each county

Voluntary associations maintaining asylum for care &c. of orphan children entitled to allowance, &c.

Board of Commissioners to examine officers of association under oath.

When and what amount Board of Commissioners shall allow such association.

Proviso.

Provisions of this act not to apply to Asylum under control of religious organization.

in this State; *Provided, however, That the provisions of this act shall not apply to any such asylum as has been or may be in whole or in part, established or controlled by, or which is in any manner connected with any church or religious sect or organization.*

Member of Board of Commissioners to be member of board of officers of such association.

SEC. 2. In each county where an asylum is organized under said act named in this act, and its title, the member of the Board of Commissioners who has been in continuous service the greatest number of years as Commissioner, shall be *ex-officio*, a member of the Board of Officers of such Association, and it shall be the duty of such member of the Board of Commissioners and the officers of such association to bind out any orphan child being an inmate of the asylum maintained by such association, *to some suitable person to have the custody and training of such child whenever the same can be done on such terms as will, in their opinion, secure to such child a proper maintenance and education*, and it shall be the duty of the officers of such association to see that any child, so bound out by them, is properly treated by the person to whom they are bound, and to take legal means for redress, in case of mal-treatment, and all indentures, executed under the provisions of this act, shall contain the stipulations, in favor of such apprentice, prescribed in section nine of the act entitled "An act providing for and regulating the relation of master and apprentice," approved May 27th, 1852.

Binding out of orphans in such asylums.

In case of mistreatment of orphans in such apprentices.

In administering charities of association, no distinction to be made on account of nativity or complexion, or political or religious associations.

SEC. 3. In administering the charity of any association, organized as herein contemplated, no distinction shall be made in selecting the objects of its care on account of the nativity or complexion of such orphan, and no orphan shall be excluded from the benefits of such association on account of its religious or political associations or connections.

CHAPTER CXX.

AN ACT to amend Section second of an act entitled "An act to amend the second, sixth and seventh sections of an act entitled 'An act concerning the organization of voluntary associations, and repealing former laws in reference thereto,'" approved February 12th, 1855, approved March 6th, 1865.

[APPROVED MARCH 10, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of an act entitled "An act to amend the second, sixth and seventh sections of an act entitled 'An act concerning the organization of voluntary associations, and repealing former laws in reference thereto,'" approved February 12th, 1855, approved March 6th, 1865, be amended to read as follows, to wit : Sec. 2 amended.

SEC. 2. Be it further enacted that any number of persons may voluntarily associate themselves together for either of the following purposes : For what purposes voluntary associations may be formed.

First, To establish and maintain horticultural, literary, scientific, hotel or gymnastic associations.

Second, To organize military or fire companies.

Third, To provide suitable grounds for the burial of the dead, for public walks and commons, and to ornament the same with shade trees and shrubbery.

Fourth, To plant, cultivate and preserve shade trees in the public squares and along the streets of towns.

Fifth, To organize Masonic and Odd Fellows' Lodges, subordinate to their several Grand Lodges, and also Divisions of the Sons and Daughters of Temperance, or other charitable associations or orders, and to organize churches, conferences, and religious societies ; also, to organize a State Grange of the order of the Patrons of Husbandry and other granges subordinate to the State Grange.

Sixth, To erect and maintain suitable buildings for public meetings, concerts, fairs and theatrical, operatic or other exhibitions.

Seventh, To import horses, cattle, sheep, hogs and other animals for agricultural purposes.

SEC. 3. It is hereby declared that an emergency exists, Emergency. requiring the immediate taking effect of this act, therefore, this act shall take effect and be in force from and after its passage.

CHAPTER CXXI.

AN ACT to regulate public warehouses and warehousing, and inspecting and mixing grain; making warehouse receipts assignable and negotiable, and providing a penalty for issuing false or fraudulent receipts by warehousemen, and for fraudulently removing property by them.

[APPROVED MARCH 9, 1875.]

Public warehouses to be divided into two classes.

Permit shall be issued by County Auditor to person or incorporation, desiring to keep such warehouse.

Renouncement of character of such warehousemen.

County Auditor shall keep record of such permits and renouncements.

Warehouses of class "A" shall embrace what.

Warehouses of class "B" shall embrace what.

Who shall be deemed public warehousemen.

Duty of warehousemen of class "A."

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That public warehouses shall be divided into two classes, to be designated as classes "A" and "B," respectively. Any person or persons, or any incorporate company, desiring to keep any such public warehouse, shall be entitled to do so upon receiving a permit therefor from the Auditor of the county in which such warehouse shall be kept; such permit shall be granted upon the written application, signed by the owner or owners of such warehouse, if natural persons, or if owned by a corporation, by the President and Secretary thereof. Every warehouse, receiving such permit, shall continue, subject to the provisions of this act, until the owner or owners thereof shall file, in said Auditor's office, written notice, signed as aforesaid, that they desire to renounce the character of public warehousemen, and for one year thereafter such Auditor shall keep a record of such permit and renouncement. No warehousemen, not taking out such permit, shall be in any wise effected by the provisions of this act.

SEC. 2. Public warehouses of class "A" shall embrace all warehouses, elevators or granaries, in which grain is stored in bulk, and in which the grain of different owners is mixed together, or in which grain is stored in such a manner that the identity of different lots or parcels can not be accurately preserved. Public warehouses of class "B" shall embrace all other warehouses or places where property of any kind is stored for a consideration, and any corporation, company, individual or lessee, operating or conducting a public warehouse, shall be deemed a public warehouseman.

SEC. 3. It shall be the duty of every warehouseman, of class "A," to receive for storage, any grain that may be tendered to him in the usual manner in which warehouses are accustomed to receive the same, in the ordinary and usual course of business, not making any discrimination between persons desiring to avail themselves of warehouse

facilities, such grain, in all cases, to be inspected and graded by a duly authorized inspector, and to be stored with grain of a similar grade, but if the owner or consignee so request, and the warehouseman consent thereto, his grain may be kept in a bin by itself, apart from that of other owners, which bin shall thereupon be marked and known as a separate bin. If a warehouse receipt be issued for grain, so kept separate, it shall state on its face that it is in a separate bin. Nothing in this section shall be so construed as to require the receipt of grain into any warehouse in which there is not sufficient room to accommodate or store it properly, or in case where such warehouse is necessarily closed.

Grain shall be inspected and graded.
Grain, how to be stored and kept.

When warehouse receipt shall show that grain is in separate bin.

In case there is not room, &c.

SEC. 4. Upon the application of the owner or consignee of grain stored in a public warehouse, of class "A," the same being accompanied with evidence that all transportation or other charges which may be a lien upon such grain, including charges for inspection, have been paid, the warehouseman shall issue, to the person entitled thereto, a warehouse receipt therefor, subject to the order of the owner or consignee, which receipt shall bear date corresponding with the receipt of the grain into store, and shall state, upon its face, the quantity and inspected grade of the grain, and that the grain mentioned in it has been received into store, to be stored with grain of the same grade by inspection, and that it is deliverable upon the return of the receipt properly endorsed by the person to whose order it was issued, and the payment of proper charges for storage. All warehouse receipts, for grain issued from the same warehouse, shall be consecutively numbered, and no two receipts, bearing the same number, shall be issued from the same warehouse during any one year, except in the case of a lost or destroyed receipt, in which case the new receipt shall bear the same date and number as the original, and shall be plainly marked on its face "duplicate;" *Provided, however,* That nothing in this section shall be so construed as to require any warehouseman or warehouse company to issue a duplicate or substituted receipt, unless sufficient and satisfactory evidence of the loss of the original is produced, and unless good and sufficient security and indemnity against liability on the original receipt, shall be given.

When and to whom warehousemen of said class "A" shall issue warehouse receipts, and what such receipts shall show.

Warehouse receipts, how they shall be numbered.

When and how duplicate warehouse receipts may be issued.

SEC. 5. Upon the delivery of grains from store, upon any receipt, such receipt shall be plainly marked across its face with the word "cancelled," with the name of the person cancelling the same, and shall thereafter be void, and shall not again be put in circulation, nor shall grain be delivered twice upon the same receipt.

Upon delivery of such grain, warehouse receipt shall be cancelled.

Warehouse receipts shall be issued only upon actual delivery of grain, and for no more than received, and but one receipt in each case shall be given.

In case part of grain is delivered out of store, new receipt may be issued for remainder, and original receipt shall be cancelled.

In case it is desired to divide or consolidate receipts.

Delivery of property received into such warehouse.

In case of loss or damage of property, warehousemen shall not be responsible for if he use due diligence, &c.

In case warehouseman of class "A" discover that grain in warehouse is out of condition or

SEC. 6. No warehouse receipt shall be issued except upon the actual delivery of grain into store in the warehouse from which it purports to be issued, and which is to be represented by the receipt, nor shall any receipt be issued for a greater quantity of grain than was contained in the lot or parcel stated to have been received; nor shall more than one receipt be issued for the same lot of grain, except in cases where receipts for a part of a lot are desired, and then the aggregate receipts for a particular lot shall cover that lot and no more. In cases, where a part of the grain represented by the receipt is delivered out of store, and the remainder is left, a new receipt may be issued for such remainder; but such new receipt shall bear the same date as the original, and shall state on its face that it is the balance of receipt of the original number; and the receipt upon which a part has been delivered shall be cancelled in the same manner as if it had all been delivered. In case it be desirable to divide one receipt into two or more, or in case it be desirable to consolidate two or more receipts into one, and the warehouseman consents thereto, the original receipt shall be cancelled the same as if the grain had been delivered from store; and the new receipts shall express on their face that they are parts of other receipts, or a consolidation of other receipts, as the case may be; and the numbers of the original receipts shall also appear upon the new ones issued, as explanatory of the change, and all new receipts issued for old ones, cancelled as herein provided, shall bear the same date as those originally issued, as near as may be.

SEC. 7. On the return of any warehouse receipt, issued by any warehouseman, properly indorsed, and the tender of all proper charges upon the property represented by it, such property shall be immediately deliverable to the holder of such receipt; *Provided*, No warehouseman shall be held to be in default in delivering, if the property is delivered in the order demanded, or in the order that transportation may be furnished, and as rapidly as due diligence, care and prudence will justify.

SEC. 8 No public warehouseman shall be held responsible for any loss or damage to property by fire, while in his custody, provided reasonable care and vigilance be exercised to protect and preserve the same; nor shall he be held liable for damage to grain by heating, if it can be shown that he has exercised proper care in handling and storing the same, and that such heating or damage was the result of causes beyond his control.

SEC. 9. In case however, any warehouseman of class "A" shall discover that any portion of the grain in his warehouse is out of condition, or becoming so, and it is not in his power to preserve the same, he shall immediately give

public notice by posting a notice in the most public place, (for such a purpose), in the city or town in which such warehouse may be located, of its actual condition, as near as he can ascertain it; shall state in such notice, the kind and grade of grain, and the bins in which it is stored, and shall also state, in such notice, the receipts outstanding, upon which such grain shall be delivered, giving the numbers, amounts and dates of each, which receipts shall be those of the oldest dates then in circulation or uncanceled, the grain represented by which has not been previously declared or receipted for, as out of condition, or if the grain longest in store has not been receipted for, he shall so state, and shall give the name of the party for whom such grain was stored, the date it was received, and the amount of it, and the enumeration of receipts and identification of grain so discredited, shall embrace as near as may be, as great a quantity of grain as is contained in such bins; and such grain shall be delivered upon the return and cancellation of the receipts, and the unreceipted grain upon the request of the owner or person in charge thereof.

becoming so, and he cannot preserve same, he shall give notice.

Delivery of grain in such cases.

SEC. 10. Nothing herein contained shall be held to relieve the said warehouseman from exercising proper care and vigilance in preserving such grain after such publication of its condition, but such grain shall be kept separate and apart from all direct contact with other grain, and it shall not be mixed with other grain while on store in such warehouse.

Warehousemen not relieved from exercising care and diligence after such notice is given. Such grain shall be kept separate from other grain.

Nothing in this section shall be so construed as to permit any warehouseman to deliver any grain stored in a separate bin, or by itself, as provided in this act, to any but the owner of the lot, whether the same be represented by a warehouse receipt or otherwise. In case the grain, declared out of condition, as herein provided for, shall not be removed from store by the owner thereof within thirty days from the date of the notice of its being out of condition, it shall be lawful for the warehouseman, where the grain is stored, to sell the same at public auction for account of said owner, by giving ten days public notice by advertisement in a newspaper, (daily, if there be such,) published in the city or town where such warehouse is located.

Warehousemen shall not deliver grain kept separate to any one but the owner.

In case grain declared out of condition, is not removed within thirty days, warehouseman may sell same at public auction.

SEC. 11. It shall not be lawful for any public warehouseman to select different qualities of the same grade for the purpose of storing or delivering the same, nor shall he attempt to deliver grain of one grade for another, or in any way tamper with grain, while in his possession or custody, with a view of securing profit to himself or any other

Warehouseman shall not select different qualities of same grade for storage or delivery, or deliver one grade for another.

Warehousemen not prevented from moving grain for safer keeping or preservation. Inspector, and person owning property in such warehouse shall have full liberty to examine same during business hours.

person. Nothing in this section, however, shall prevent any warehouseman from moving grain, while within his warehouse, for its preservation or safe keeping.

SEC. 12. All persons owning property, or who may be interested in the same, in any public warehouse, and all duly authorized inspectors of such property shall, at all times during ordinary business hours, be at full liberty to examine any and all property stored in any public warehouse in this State, and all proper facilities shall be extended to such persons by the warehouseman, his agents or servants, for an examination, and all parts of public warehouses shall be free for the inspection and examination of any person interested in property stored therein, or of any authorized inspector of such property.

Misdemeanor for inspector to neglect his duties, or for person to improperly influence him in the discharge thereof.

SEC. 13. Any duly authorized inspector of grain who shall be guilty of neglect of duty, or who shall knowingly or carelessly inspect or grade any grain improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty, or the improper performance of any duty as such inspector of grain, or any person who shall improperly influence any inspector of grain in the performance of his duties as such inspector, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in a sum of not less than one hundred, nor more than one thousand dollars, at the discretion of the Court or jury trying the cause, or shall be imprisoned in the county jail not less than three, nor more than twelve months, at the discretion of the Court or jury trying the cause.

Penalty.

Warehouse receipts negotiable, and how transferable.

SEC. 14. Warehouse receipts, for property stored in any class of public warehouses as herein described, shall be negotiable and transferable by the indorsement of the party to whom such receipt may be issued, and such indorsement shall be deemed a valid transfer of the property represented by such receipt, and may be either in blank or to the order of another, and every endorsee or transferee of such receipt may, in like manner and with like effect, negotiate and transfer the same by endorsement to the order of another, or in blank, or by delivery under a prior endorsement in blank; every such endorsement shall be deemed to be a warranty that the endorsee has good title and lawful authority to sell the property named in such receipt; no sale of grain in store, which is not evidenced or accompanied by a transfer of the warehouse receipt given therefor, shall be valid as against the *bona fide* holder of such receipt. All warehouse receipts, for property stored in public warehouses of class "B," shall distinctly state on their face the brand or distinguishing mark on such property.

Such endorsement shall be deemed to be warranty of what.

What warehouse receipts for property stored in warehouses of class "B" shall state.

SEC. 15. Any warehouseman, of any public warehouse, who shall be guilty of issuing any warehouse receipt for any property not actually in store at the time of issuing such receipt, or who shall be guilty of issuing any warehouse receipt in any respect fraudulent in its character, either as to its date, or the quantity, quality, or inspected grade of such property, or who shall remove any property from store, except to preserve it from fire or other sudden damage, without the return and cancellation of any and all outstanding receipts that may have been issued to represent such property, shall be deemed guilty of a crime, and upon conviction thereof, shall suffer, in addition to any other penalties prescribed by this act, imprisonment in the penitentiary for not less than one, and not more than ten years.

Crime for warehousemen to issue fraudulent receipt.

Crime for warehousemen to remove property from store, unless for preservation of same, without return and cancellation of receipts. Penalty in such cases.

SEC. 16. There shall be appointed, annually, by Board of Trade or other commercial organizations, one or more inspectors of grain and other property, for the county where such Board is organized, and in case there is no such organization in any county, then the Judge of the Circuit Court may appoint such inspectors, for the county, and all inspectors shall, before entering upon the duties of his office, take an oath to faithfully and honestly perform his duty as inspector according to law, and where there are two or more such organizations in any city, the one whose members deal most exclusively in grain and produce shall make such appointment of inspectors, and such commercial organization shall provide for the compensation of such inspectors, and for that purpose may fix a schedule of fees to be paid by the owners of such property as may be inspected.

Inspectors of grain and other property shall be appointed, by whom.

Such inspector shall take oath.

Appointment of inspector in city where there are two or more Boards of Trade, &c., and payment of such inspector.

SEC. 17. Inspectors appointed in pursuance of this act may classify and determine the grade to which any article of property submitted to his inspection belongs, but where there is a Board of Trade, or other commercial organization in such county, such organization shall have the exclusive authority to fix the grade of property, defining what shall constitute grade numbers one, two, &c., the inspector determining only as to what grade the same belongs, and where there is no such organization in any county, then the grading and rates of compensation for inspection, adopted by such organization in the city nearest to the point where such grain or other property is inspected, shall govern such inspector in his inspection.

Classification and grade of property, when to be made and determined by inspector, and when by Board of Trade.

SEC. 18. All acts or parts of acts inconsistent with this act are hereby repealed.

Laws repealed.

SEC. 19. Whereas, there is no law now in force in this State regulating warehousing, it is therefore declared that an emergency exists for the immediate taking effect of this act, the same shall therefore take effect and be in force from and after its passage.

Emergency.

CHAPTER CXXII.

AN ACT to encourage the destruction of wolves and foxes, repealing all laws or parts of laws inconsistent therewith, and declaring an emergency.

[APPROVED MARCH 10, 1875.]

Amount County Commissioners may authorize to be paid for Wolf and Fox scalps.

Person applying for such bounty shall make oath, &c.

Amount authorized to be paid for scalp of young Wolf or Fox.

Laws repealed.

Emergency.

SECTION I. *Be it enacted by the General Assembly of the State of Indiana*, That the Commissioners of each county may cause to be paid out of the County Treasury a sum not exceeding twenty dollars to any person who shall exhibit to them a wolf scalp, and a sum not exceeding five dollars to any person who may exhibit to them a fox scalp; *Provided*, That such person shall take and subscribe an oath that the wolf, or the fox, to which such scalp belonged, was killed in the county, and that no reward therefor has been paid him out of such treasury. But no more than three dollars shall be paid for the killing of any wolf under the age of six months, or more than one dollar and fifty cents for the killing of any fox under the age of six months.

SEC. 2. All laws, and parts of laws, coming in conflict with the provisions of this act are hereby repealed.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

CHAPTER CXXIII.

AN ACT vesting the inchoate interest of married women in the lands of their husbands when the title of the husband therein has been divested by certain judicial sales, providing for the possession thereof, and the descent of such vested estate, and matters connected with such sales.

[APPROVED MARCH 11, 1875.]

In case of Judicial sale of real property inchoate interest of married woman shall become absolute.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases of judicial sales of real property, in which any married woman has an inchoate interest by virtue of her marriage, where the inchoate

interest is not directed by the judgment to be sold or barred by virtue of such sale, such interest shall become absolute and vest in the wife in the same manner and to the same extent as such inchoate interest of married woman now become absolute upon the death of the husband, whenever, by virtue of said sale, the legal title of the husband in and to such real property shall become absolute and vested in the purchaser thereof, his heirs or assigns, subject to the provisions of this act and not otherwise. That when such inchoate right shall become vested, under the provisions of this act, such wife shall have the right to the immediate possession thereof, and may have partition, upon agreement with the purchaser, his heirs or assigns, or upon demand, without the payment of rent, have the same set off to her.

Married woman may have immediate possession of her interest, and have partition, &c.

SEC. 2. The provisions of this act shall not apply to sales of real estate upon judgments rendered prior to the taking effect of this act, nor to any sale of real property of the value of twenty thousand dollars and over, nor to the sale of such real property of the aggregate value of twenty thousand dollars and over, except to so much of such real property as shall not exceed in value the sum of twenty thousand dollars.

In what cases provisions of this act not to apply.

SEC. 3. That if any married woman shall die, holding real property vested in her by the provisions of this act, during the existence of the marriage in virtue of which she received the same, the whole of such real property shall descend to her surviving husband; and if any woman shall marry a second or any subsequent time, holding real property vested in her by the provisions of this act, such woman may not, during such second or subsequent marriage, either with or without the assent of her husband, alienate such real estate, and if during such marriage such wife shall die, such real estate shall descend to her children, by the marriage in virtue of which such real estate came to her, if any there be.

When real property of wife shall descend to her husband at her death.

In case woman shall marry second time, she may not alienate such real estate vested in her by first marriage, but same shall descend to children by marriage, in virtue of which such real estate came to her.

SEC. 4. No real property in which any married woman holds such inchoate interest, as is provided for in this act, liable to be sold with benefit of appraisement laws of the State, shall be sold on any execution or order of sale issued out of any Court, for less than four-ninths of the appraised cash value thereof, exclusive of liens and incumbrances.

Property of married woman, with benefits of Appraisement Laws, shall not be sold for less than four-ninths of appraised value.

CHAPTER CXXIV.

AN ACT for the relief of Alexander D. Carmichael, Christopher C. Whisenand, James Dodd and Jackson H. Clendenin, surety upon the bonds of John M. Stultz, former Trustee of Clear Creek Township, Monroe County, Indiana, and to authorize the proper officers to levy a sufficient tax to make up the deficit arising upon said Trustee's defalcations, and for other matters connected therewith.

[APPROVED MARCH 11, 1875.]

Preamble.

WHEREAS, It has been shown to this General Assembly that one John M. Stultz, a former Trustee of Clear Creek Township, Monroe county, Indiana, defaulted as to certain funds in his hands belonging to said township, and has left his surety, to-wit, Alexand[er] D. Carmichael, Christopher C. Whisenand, James Dodd and Jackson H. Clendenin, liable to the payment of a considerable sum of money by reason of said defalcation ;

AND WHEREAS, A large number of the inhabitants and tax payers of said township have petitioned this General Assembly to enact a law relieving said surety from liability, and to authorize the proper officers to levy a tax to pay said sum ;

AND WHEREAS, The citizens of said township are alone interested in the loss of funds by said defalcation, and affected by the release of said surety and the levy and collection of a tax to make up the amount of said defalcation, therefore,

Surety on bond of John W. Stultz as Township Trustee, released, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said surety upon the bonds of said Stultz as such Township Trustee, be, and they are hereby exempted and relieved from any and all liability to pay said sum or sums of money, and that said bonds, and each of them as to the said surety, and each of them be declared null and void, and the Trustee of said Township, and his successors in office, be, and are hereby ordered and directed to forbear any and all suits upon said bonds, or either of them against said surety ; *Provided*, That nothing herein contained shall be taken or construed as exempting said John M. Stultz from liability upon his said bond or otherwise on account of his defalcation or misconduct in office.

Proviso.

SEC. 2. *Be it further enacted*, That the proper officers and their successors, be, and they are hereby authorized to levy from time to time, in their discretion, such tax upon the taxable property of said Township, as may be necessary to make up any deficiency arising out of the defalcation of said Stultz as such Trustee, and that all levies and assessments heretofore made by the proper officers for such purpose, be, and the same is hereby declared legal, and that the same be collected in the same manner as other taxes are levied and collected.

Levy of tax in such township authorized, to make up deficiency, &c.

Levies and assessments heretofore made for such purpose legalized.

SEC. 3. Whereas, there is an emergency for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage.

Emergency.

JOINT RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF INDIANA.

JOINT RESOLUTION No. 1, (SENATE.)

[APPROVED JANUARY 25, 1875.]

Be it Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all their influence to secure the passage of a law granting, without favor or discrimination, to those who served in the Mexican War, for a period of sixty days, or more, and were honorably discharged, the small sum of eight dollars per month during their natural lives.

JOINT RESOLUTION No. 3, (HOUSE.)

JOINT RESOLUTION expressing regret for the death of Hon.
MILTON B. HOPKINS.

[APPROVED FEBRUARY 10, 1875.]

Resolved by the General Assembly of the State of Indiana, That we have heard with deep regret of the death of Hon. Milton B. Hopkins, Superintendent of Public Instruction, whose eminent abilities, distinguished public services,

and untiring zeal in furthering the cause of education, commended him to the respect and admiration of the people of Indiana, and whose death is a loss, not only keenly felt by his friends and acquaintances, but a serious loss to the interests of the common schools of this State.

Resolved, That in their deep affliction his family and relatives have the profound sympathy of all citizens of Indiana, irrespective of party.

Resolved, That a copy of these resolutions be furnished his family, under the hand of the Clerk of the House and the Secretary of the Senate.

JOINT RESOLUTION, No. 3, (SENATE.)

A JOINT RESOLUTION to make temporary provision for the public printing.

[APPROVED JANUARY 25, 1875.]

WHEREAS, There is no provision made by law for the public printing; therefore,

Be it Resolved by the General Assembly of the State of Indiana, That the Secretary of State be, and he is hereby authorized and required, with the advice and consent of the Chairmen of the Printing Committees of the two houses of this General Assembly, to contract with some suitable person to do such printing as may be authorized by law, or as may be directed by either House of this General Assembly, until such time as other provision shall be made by law; *Provided*, That all orders for printing, ordered by either of said Houses, shall be transmitted to such Secretary, and by him endorsed and delivered to such contractors, and that all printing, done under this resolution, shall be delivered by the contractor, at the office of the Secretary of State, to be counted and measured, and that such Secretary shall record all such orders and deliveries, and make report thereof, with a copy of such contract, whenever required by this General Assembly; *Provided*, Such printing shall be done on the best terms that can be secured in the city of Indianapolis, and that no printing shall be done except such as is necessary for the use of the General Assembly, at its present session, and that no contract for the same shall extend beyond the close of this session.

JOINT RESOLUTION, No. 9, (HOUSE.)

A JOINT RESOLUTION in relation to the manufacture of Polished Plate Glass in the State of Indiana.

WHEREAS, The manufacture of Polished Plate Glass having engaged the attention of American manufacturers for a number of years, and millions of dollars having been invested in such enterprises, and every such effort having ended in bankruptcy and ruin to the projectors, because of the powerful combinations in Europe, united for the purpose of crushing out all such attempts in America, and the inadequate protection afforded this great branch of industry; and,

WHEREAS, Within a few years past a company of gentlemen in our own State, at New Albany, have again attempted to establish this branch of manufactures, and are now successfully prosecuting the same, having invested in it over a million of dollars; and,

WHEREAS, The foreign manufacturers of polished plate glass have united and publicly say "We have had a long and profitable trade in America. We can afford and will sell polished plate glass for years at a loss rather than yield this trade to American manufacturers;" and,

WHEREAS, Our State has again become the pioneer in this struggle to save this country millions of dollars now lost in the importation of this article; and

WHEREAS, It is due to this struggling enterprise that this General Assembly should step forward with words of encouragement and sympathy, and do what it can toward protecting it; and

WHEREAS, Hon. W. C. DePauw, proprietor of the Star Glass Company at New Albany, says: "I am making plate glass here; have over a million of dollars invested therein, and am fighting this battle for America and Americans, solitary and alone; my losses thus far have aggregated over \$300,000, but this year I am glad to say are reduced to \$35,000, (against a loss of \$102,000 in 1873); and with such aid as I am fairly entitled to from the Government, I can win this battle for America, and put on a permanent basis a business that in a few years will employ tens of thousands of men, and reduce our imports many millions of dollars. A reduction of duty would be death to this and all other attempts in America, but if the law be so modified as more effectually to guard

against frauds, present duties slightly increased, if honestly collected, will protect American manufacturers. The opinion is very wide spread that under the present system of rebate and drawback the Government gets but a small part of the duty. If, therefore, the laws be so modified as that all glass under 24 by 60 should pay 22½ cents per square foot, and all over 24 by 60 should pay 45 cents per square foot (present tariff) without any rebate, drawback or reduction of any kind on pretense of or for any actual breakage, or otherwise, I think the revenues would be doubled and American manufacturers fairly protected;" Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives be respectfully requested, to use their best efforts to procure such legislation by Congress as will give the necessary protection as herein requested; and,

Be it further Resolved, That his Excellency, the Governor, be, and he is hereby requested to forward, to each of our Senators and Representatives in Congress, copies of the foregoing preamble and resolutions.

ERRATA.

Page 13, Section 1, line 3, for "puprose" read "purpose."

Page 26, at end of line 4, and beginning of line 5 from top of page, for "comtee" read "committee"

Page 47, Chapter 34, in date of approval, for "March 3" read "March 5."

Page 76, at beginning of line 24 from top of page, for "cases were" read "cases where."

Page 80, in next to last line of title to act, for "March 14, 1869" read "May 14, 1869."

Page 93, Chapter 61, line 10 of preamble, for "the Boards," etc., read "their Boards," etc.

Page 103, Section 18, at end of next to last line and beginning of last line of said Section, for "restive," read "respective."

Page 143, Section 4, line 3, for "pursuant" read "pursuance."

Page 154, at ending of line 3 and beginning of line 4 of preamble, leave out the words "and legality," and in line 2, of Section 1, same page, for "order," read "orders."

Page 159, Chapter 111, in last line of title to act, for "proceeding," read "proceedings."

Page 161, in first line of title to act, for "officers," read "the officers."

Page 171, Section 2, line 17, for "the Patrons," etc, read "Patrons," etc.

CERTIFICATE.

STATE OF INDIANA, ss:

OFFICE OF SECRETARY OF STATE, }

I, John E. Neff, Secretary of State for the State of Indiana, certify that I have compared the foregoing printed with the enrolled Acts and Joint Resolutions, from which the same were taken, now on file in my office, and have found them correctly printed, except as indicated in the foregoing errata. Words included [thus] were by me inserted to aid the sense.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Indiana, at the city of Indianapolis, this 15th day of June, A. D., 1875.

[SEAL.]

JOHN E. NEFF,

Secretary of State.

ABSTRACTS

FROM THE

REPORT OF THE AUDITOR OF STATE

FOR THE

YEAR ENDING OCTOBER 31, 1873.

*A GENERAL STATEMENT of the Receipts and Disbursements
of the Treasury Department during the fiscal year commencing
November 1, 1872, and ending October 31, 1873.*

RECEIPTS.

There was remaining in the Treasury November 1, 1872.....\$755,024 87

During the year ending October 31, 1873, the following sums
have been received:

REVENUE.

On account of Revenue of 1872.....	\$373,373 16
On account of Delinquent Revenue of 1872.....	22,557 78
On account of Delinquent Revenue of 1871.....	39,451 93
On account of Delinquent Sinking Fund Tax of 1870.....	2,808 27
	\$438,191 14

COMMON SCHOOL REVENUE.

On account of Tax of 1872.....	\$971,069 98
On account of Tax of 1861.....	6,572 32
On account of Delinquent Tax of 1871.....	109,590 69
On account of Delinquent Tax of 1860.....	334 98
On account of School Fund Interest.....	115,460 31
On account of Interest on Bonds.....	113,921 00
On account of Liquor Licenses.....	50,062 50
On account of Unclaimed Fees.....	6,041 52
	\$1,372,993 30

COLLEGE FUND.

On account of Principal.....	\$5,314 10	
On account of Interest.....	6,304 98	
On account of Damages.....	51 25	
On account of Costs.....	42 00	
On account of Excess of Bids.....	935 92	
On account of University Lands.....	3,474 81	
	<hr/>	\$16 123 06

SALINE FUND.

On account of Principal.....	\$880 00	
On account of Interest.....	237 47	
On account of Damages.....	55 00	
On account of Costs.....	24 00	
On account of Excess.....	839 38	
	<hr/>	\$2,035 85

BANK TAX FUND.

On account of Principal.....	\$379 06	
On account of Interest.....	4 40	
On account of Costs.....	6 00	
	<hr/>	\$389 46

SURPLUS REVENUE FUND.

On account of Principal.....	\$70 00	
On account of Interests.....	17 50	
On account of Costs.....	9 00	
	<hr/>	\$76 50

PUBLIC INSTITUTIONS.

On account of Hospital for Insane.....	\$16,323 00	
On account of Institution for Deaf and Dumb.....	3,068 45	
On account of Institution for the Blind.....	2,065 92	
On account of House of Refuge.....	24,455 52	
On account of State Prison, North.....	87,993 82	
On account of State Prison, South.....	76,716 88	
	<hr/>	\$190,603 59

MISCELLANEOUS.

On account of the General Fund.....	\$776,902 40	
On account of the Temporary Loan.....	707,948 05	
On account of the Insurance tax of 1873.....	17,552 62	
On account of Estates without heirs.....	4,198 23	
On account of Swamp Lands.....	3,299 82	
On account of Docket Fees, Circuit Court.....	9,338 67	
On account of Docket Fees, Supreme Court.....	1,416 00	
On account of Public Printing.....	900 25	
On account of Excess of Bids, Sinking Fund.....	2,738 26	
On account of Contingent Fund.....	71 00	
On account of Agricultural College.....	9 40	
On account of Military Fund.....	175 52	
	<hr/>	\$1,524,545 23
Total Receipts from November 1, 1872, to October 31, 1873, including balance on hand November 1, 1872.....		\$4,300,633 02

DISBURSEMENTS.

ORDINARY EXPENDITURES.

On account of Judiciary.....	\$97,510 94
On account of Prosecuting attorneys.....	14,334 63
On account of Executive	29,137 34
On account of State House	27,584 64
On account of State Library.....	718 00
On account of Public Printing	57,328 39
On account of Indiana Reports.....	12,098 88
On account of Sheriff's mileage	10,764 55
On account of General Fund.....	23,095 33
On account of Contingent Fund.....	1,357 78
On account of Expenses Supreme Court.....	14,752 12
On account of Telegraphing	153 07
On account of Distribution of Laws.....	1,089 20
	<hr/>
	\$289,934 77

OFFICE EXPENSES.

On account of Governor's Office.....	\$4,574 39
On account of Secretary's Office.....	750 00
On account of Auditor's Office.....	3,850 08
On account of Treasurer's Office	2,499 98
On account of Superintendent's Office.....	1,027 91
On account of Attorney General's Office	916 66
	<hr/>
	\$13,619 02

NOTE.—Of the amount charged to Auditor's Office, \$2,829.25 was allowed by the Legislature to John C. Shoemaker, for expenses of 1871 and 1872.

Of the amount charged to Treasurer's Office, \$1,861.10 was allowed by the Legislature to James B. Ryan, for expenses of 1871 and 1872.

BENEVOLENT INSTITUTIONS.

On account of Hospital for the Insane	\$209,339 47
On account of Deaf and Dumb Institution	70,584 57
On account of Institution for the Blind.....	38,674 29
On account of Soldiers' Home.....	33,977 97
	<hr/>
	\$352,576 31

NOTE.—The expenditures for the Hospital for the Insane include those for current expenses, repairs, erecting new boiler house, laundry and bakery, enlarging and remodeling the south wing, and placing a new heating apparatus therein. For the improvements and repairs the Legislature appropriated eighty-three thousand dollars.

COLLEGE FUND.

On account of Principal	\$2,640 97
On account of interest.....	11 98
On account of costs	66 00
On account of excess.....	114 15
On account of Expense	630 32
On account of Professor's Salaries	7,500 00
	<hr/>
	\$10,963 42

SALINE FUND.

On account of Principal.....	\$5,917 28	
On account of Interest	237 47	
On account of Damages.....	55 00	
On account of Costs.....	24 00	
On account of Excess.....	839 38	
		<hr/>
		\$7,103 11

BANK TAX FUND.

On account of Principal.....	\$1,726 94	
On account of Interest.....	4 49	
On account of Costs.....	6 00	
		<hr/>
		\$1,737 43

SURPLUS REVENUE FUND.

On account of Costs.....	\$6 00
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COMMON SCHOOL FUND.

On account of School Distribution.....	\$1,360,987 48	
On account of Interest refunded.....	344 59	
On account of School Tax 1872.....	9 15	
		<hr/>
		\$1,361,341 22

GENERAL REVENUE.

On account of Revenue of 1871 refunded.....	\$223 00	
On account of Revenue of 1870 refunded.....	176 56	
On account of Revenue of 1872 refunded.....	30,477 66	
On account of Erroneous Appraisalment of 1869.....	89,271 47	
		<hr/>
		\$120,158 69

REFORMATORY INSTITUTIONS.

On account of State Prison, North.....	\$81,216 26	
On account of State Prison, South.....	95,769 08	
On account of House of Refuge.....	68,203 72	
On account of Female Prison.....	50,991 37	
		<hr/>
		\$296,180 43

EDUCATIONAL INSTITUTIONS.

On account of State Normal School.....	\$10,117 43	
On account of State University.....	45,000 00	
On account of Agricultural College.....	31,445 10	
On account of State Board of Education.....	847 85	
		<hr/>
		\$87,410 38

INDUSTRIAL INTERESTS.

On account of Geological Survey	\$8,000 00	
On account of Agricultural Premiums	1,600 00	
On account of Vienna Exposition	3,000 00	
On account of State Horticultural Society	175 00	
		<hr/>
		\$12,675 00

PUBLIC INDEBTEDNESS.

On account of State Debt Sinking Fund	\$803,221 08	
On account of Expenses State Debt Sinking Fund	161 11	
On account of Interest on War Loan Bonds	8,340 00	
On account of Salary of Agent of State	902 78	
On account of Interest on School Fund Bonds	113,921 00	
On account of Internal Improvement Bond, principal	77,000 00	
On account of Internal Improvement Bonds, interest	361,184 24	
On account of Internal Improvement Bond, expenses	1,078 83	
On account of Temporary Loan Interest	25,850 00	
On account of State Debt Principal	1,788 33	
		<hr/>
		\$1,193,442 37

MILITARY EXPENDITURES.

On account of Military Fund	\$335 42	
On account of Adjutant General's Pay	941 18	
On account of Quartermaster General's Pay	300 00	
		<hr/>
		\$1,626 60

LEGISLATIVE EXPENDITURES.

On account of Sessions of 1872 and 1873	\$199,563 32	
On account of Specific Appropriations	78,810 42	
		<hr/>
		\$278,373 74

MISCELLANEOUS.

On account of Swamp Land	\$41,088 06	
On account of Estates without Heirs	17,114 40	
On account of Superintendent's travelling expenses	600 00	
On account of Free Banking	2,304 16	
On account of Law Library	516 75	
On account of Governor's House	5,164 40	
On account of Presidential Election	1,509 40	
On account of State House and State Offices	6,144 30	
On account of Governor's Private Secretary	716 50	
On account of State Board of Equalisation	696 00	
On account of Tippecanoe Battle Ground	11,930 10	
On account of purchase of Laws	25 00	
On account of Expenses Calumet Dam	500 00	
		<hr/>
		\$83,309 06

Total amount audited from November 1, 1872, to October 31, 1873.....

\$4,115,457 56

CONDITION OF THE TREASURY.

Balance on hand November 1, 1872.....	\$755,021 87
Receipts during the year ending October 31, 1873.....	3,545,008 15
Total.....	\$4,300,633 02
Total warrants drawn on the Treasury during the year ending October 31, 1873.....	4,115,457 55
Balance in Treasury November 1, 1873	\$185,175 47

REMARKS.

It is proper to add, in relation to the receipts for the fiscal year, ending October 31, 1873, that a large proportion, as shown in the statement following, was not an actual receipt of money in the Treasury, but the transfer of the moneys of the State Debt Sinking Fund into the General Fund.

There was on hand to the credit of the State Debt Sinking Fund, at the close of the fiscal year of 1872.....	\$603,221 08
And this amount appeared in the balance on hand in the Treasury at that date	
There were also several Trust Funds closed up as such, and turned over to the General Fund, which funds amounted to.....	66,338 01
These sums were transferred to the General Fund, as provided for by an act of the Legislature. The transfer was effected by making a disbursement from the funds named, and a receipt at the Treasury, though the change did not diminish or increase the amount in the Treasury.	
Total of the funds transferred.....	\$670,159 09
Total receipts of the Treasury during the fiscal year ending October 31, 1873.....	\$4,300,633 02
Deduct apparent receipts on account of the transfer of funds.....	670,159 09
Actual receipts, including balance November 1, 1872.....	\$3,630,473 93

A similar explanation is necessary in relation to expenditures. The transfer of the funds named was made by warrants upon the respective funds, which, therefore, appeared upon the books as disbursements.

Total disbursements during the fiscal year ending October 31, 1873.....	\$4,115,457 55
Deduct apparent disbursements on account of the transfer of funds.....	670,159 09
Actual disbursements.....	\$3,445,298 46

THE TRUST FUNDS.

A STATEMENT of the Receipts and disbursements on account of the various Trust Funds.

COLLEGE FUNDS.

Receipts.

Principal	\$5,314 10	
Interest.....	6,304 98	
Damages	51 25	
Costs.....	43 00	
Excess	935 92	
University Lands.....	3,474 81	
		<u>\$16,123 06</u>

Disbursements.

Principal	\$2,640 97	
Interest	11 98	
Costs.....	66 00	
Excess	114 16	
Expenses.....	630 32	
Professors' Salaries.....	7,500 00	
		<u>\$10,963 43</u>

LOAN ACCOUNT.

Outstanding November 1, 1872.....	\$106,002 07	
Of which there was due to the General Fund.....	1,632 58	
Total.....	<u>\$104,369 49</u>	
Collected during the year.....	5,314 10	
	<u>\$99,055 39</u>	
Loaned during the year.....	2,640 97	
		<u>\$101,726 36</u>

SALINE FUND.

Receipts.

Balance on hand November 1, 1872.....	\$5,067 25	
Principal.....	880 00	
Interest.....	237 47	
Damages.....	55 00	
Costs.....	24 00	
Excess.....	839 38	\$7,103 12

Disbursements.

Principal.....	\$5,047 28	
Interest.....	237 47	
Damages.....	55 00	
Costs.....	24 00	
Excess.....	839 38	\$7,103 12

BANK TAX FUND.

Receipts.

Balance on hand November 1, 1872.....	\$1,297 94	
Principal.....	379 00	
Interest.....	4 49	
Costs.....	6 00	\$1,737 43

Disbursements.

Principal.....	1,736 94	
Interest.....	4 49	
Costs.....	6 00	\$1,737 43

SURPLUS REVENUE FUND.

Receipts.

Balance on hand November 1, 1872.....	\$1,287 02	
Principal.....	700 00	
Interest.....	17 50	
Costs.....	9 00	\$2,013 52

Disbursements.

Costs.....	6 00	
Balance November 1, 1873.....	\$2,007 52	

ESTATES WITHOUT HEIRS.

Receipts.

Balance on hand November 1, 1872.....	\$17,006 55	
Received during the year.....	4,198 23	
		\$21,204

Disbursements.

Turned over to General Fund.....	\$17,006 55	
Refunded to appearing heirs.....	47 85	
		\$17,114 40
Balance on hand November 1, 1873.....		\$4,160 38

THREE PER CENT. FUND.

Balance same as last year.....	\$32 13
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COMMON SCHOOL REVENUE DERIVED FROM CURRENT TAXES,
INTEREST ON TRUST FUNDS, INTEREST ON BONDS, LIQUOR
LICENSES AND UNCLAIMED FEES.*Receipts.*

Tax of 1872.....	\$971,909 96	
Tax of 1861.....	6,572 32	
Delinquent Tax of 1871.....	109,590 69	
Delinquent Tax of 1860.....	334 98	
School Fund Interest.....	115,460 31	
Interest on Bonds.....	113,920 00	
Liquor Licenses.....	50,062 50	
Unclaimed Fees.....	6,041 52	
		\$1,372,993 30

Disbursements.

Distributed to counties.....	\$1,360,987 48	
Interest Refunded.....	344 59	
Tax Refunded.....	9 15	
Overdrawn November 1, 1872.....	48,683 66	
		\$1,410,024 88
Overdrawn November 1, 1873.....		\$37,031 58

SWAMP LAND FUNDS.

Receipts.

Balance on hand November 1, 1872.....	\$38,203 63	
Received during the year.....	3,299 82	
		\$41,503 45

Disbursements.

Turned over to the General Fund.....	\$38,977 09	
Expended during the year.....	3,010 46	
		<hr/>
		\$41,088 05
Balance November 1, 1872.....		<hr/>
		\$415 59

CONDITION OF THE FUNDS.

There was remaining in the Treasury November 1, 1873.....	\$185,175 47
---	--------------

The following balances are due from the General Fund :

To the Surplus Revenue Fund.....	\$2,907 52	
To the Fund from Estates without heirs.....	4,150 38	
To the Three Per Cent. Fund.....	32 13	
To the College Fund.....	5,159 64	
To the Swamp Land Fund.....	415 59	
		<hr/>
		\$11,765 26
Showing an excess of.....		<hr/>
		\$173,410 21

There is due to the General Fund :

From the Common School Fund.....	\$37,031 58	
		<hr/>
		\$210,441 79

SUMMARY.

Receipts.

From State Revenue.....	\$438,191 14	
From Common School Revenue.....	1,372,983 30	
From College Fund.....	16,123 06	
From Saline Fund.....	2,035 85	
From Bank Tax Fund.....	389 49	
From Surplus Revenue Fund.....	726 50	
From Public Institutions.....	190,608 59	
From Miscellaneous Sources.....	1,524,545 22	
		<hr/>
		\$3,545,608 15
Balance November 1, 1872.....		<hr/>
		755,024 87
Total.....		<hr/>
		\$4,300,633 02

Expenditures.

Ordinary Expenses.....	\$289,994 77
Office Expenses.....	13,619 02
Benevolent Institutions.....	352,576 31
College Fund.....	10,963 42

Saline Fund.....	7,103 11
Bank Tax Fund.....	1,737 43
Surplus Revenue Fund.....	6 00
Common School Fund.....	1,361,341 22
General Revenue.....	30,887 22
Erroneous Appraisalment, 1869.....	89,271 47
Reformatory Institutions.....	296,180 43
Educational Institutions.....	87,410 38
Industrial Interests.....	12,675 09
Public Indebtedness.....	1,193,442 37
Military Expenditures.....	1,626 60
Legislative.....	278,373 74
Miscellaneous.....	88,309 06
Total.....	\$4,115,457 55

TREASURY STATEMENTS.

The following statement shows the annual Receipts and Disbursements of the treasury during the eighteen years commencing November 1, 1855, and ending October 31, 1873, together with the balance on hand at the close of each fiscal year :

Balance on hand November 1, 1855.....	\$468,224 15
Receipts during the year ending October 31, 1856.....	1,495,486 90
Total.....	\$1,963,711 14
Expenditures during the year ending October 31, 1856.....	1,338,976 11
Balance on hand November 1, 1856.....	\$624,735 03
Receipts during year ending October 31, 1857.....	1,774,675 14
Total	\$2,399,410 17
Expenditures during the year ending October 31, 1857.....	1,748,756 69
Balance on hand November 1, 1857.....	\$650,653 48
Receipts during the year ending October 31, 1858.....	844,416 84
Total	\$1,495,070 32
Expenditures during the year ending October 31, 1858.....	1,363,728 04
Balance on hand November 1, 1858.....	\$131,342 28
Receipts during the year ending October 31, 1859.....	1,288,445 72
Total	\$1,419,788 00
Expenditures during the year ending October 31, 1859.....	1,218,185 64
Balance on hand November 1, 1859.....	\$201,602 36
Receipts during the year ending October 31, 1860.....	1,658,217 88
Total	\$1,859,820 24
Expenditures during the year ending October 31, 1860.....	1,621,107 48
Balance on hand November 1, 1860.....	\$238,712 76
Receipts during the year ending October 31, 1861.....	3,672,687 64
Total.....	\$3,911,370 40
Expenditures during the year ending October 31, 1861.....	3,546,324 07
Balance on hand November 1, 1861.....	\$365,146 33

Balance on hand November 1, 1861, brought forward.....	\$365,146 33
Receipts during the year ending October 31, 1862.....	3,466,304 55
Total	\$3,851,450 88
Expenditures during year ending October 31, 1862.....	2,971,976 46
Balance on hand November 1, 1862.....	\$876,474 42
Receipts during the year ending October 31, 1863.....	2,232,899 33
Total	\$3,109,373 75
Expenditures during the year ending October 31, 1863.....	2,503,246 53
Balance on hand November 1, 1863.....	\$606,127 23
Receipts during the year ending October 31, 1864.....	2,391,291 15
Total	\$2,997,418 37
Expenditures during the year ending October 31, 1864.....	1,762,520 70
Balance on hand November 1, 1864.....	\$1,244,888 67
Receipts during the year ending October 31, 1865.....	2,742,989 19
Total.....	\$3,987,877 86
Expenditures during the year ending October 31, 1865.....	3,901,826 52
Balance on hand November 1, 1865.....	\$86,051 34
Receipts during the year ending October 31, 1866.....	3,967,035 23
Total.....	\$4,043,086 57
Expenditures during the year ending October 31, 1866.....	3,661,564 63
Balance on hand November 1, 1866.....	\$381,521 89
Receipts during the year ending October 31, 1867.....	4,210,336 44
Total	\$4,591,858 33
Expenditures during the year ending October 31, 1867.....	4,446,505 54
Balance on hand November 1, 1867.....	\$145,352 79
Receipts during the year ending October 31, 1868.....	4,279,687 07
Total.....	\$4,425,039 86
Expenditures during the year ending October 31, 1868.....	3,812,605 92
Balance on hand November 1, 1868.....	\$582,433 94
Receipts during the year ending October 31, 1869.....	4,197,489 21
Total.....	\$4,779,923 15
Expenditures during the year ending October 31, 1869.....	4,473,271 11
Balance on hand November 1, 1869.....	\$306,662 04
Receipts during the year ending October 31, 1870.....	3,589,889 40
Total.....	\$3,896,551 44
Expenditures during the year ending October 31, 1870.....	3,532,406 79
Balance on hand November 1, 1870.....	\$364,134 65
Receipts during the year ending October 31, 1871.....	2,615,639 23
Total.....	\$3,989,773 88
Expenditures during the year ending October 31, 1871.....	2,943,416 90
Balance on hand October 31, 1871.....	\$1,026,356 96
Receipts during the year ending October 31, 1872.....	2,415,269 59
Total.....	\$3,441,626 57
Expenditures during the year ending October 31, 1872.....	2,683,601 70
Balance on hand November 1, 1872.....	\$756,024 87
Receipts during the year ending October 31, 1873.....	3,545,606 15
Total.....	\$4,300,633 02
Expenditures during the year ending October 31, 1873.....	4,116,467 55
Balance on hand November 1, 1873.....	\$186,175 47

THE STATE DEBT.

The condition of the public debt of the State at the date of this report, October 31, 1873, is as follows :

FOREIGN DEBT.

Five per cent. certificates of State stock.....	\$26,989 89
Two and one half per cent. certificates of State stock.....	4,080 13
War Loan Bonds.....	130,000 00
Temporary Loan.....	710,000 00
Internal Improvement Bonds.....	114,000 00
Total	\$991,030 12

DOMESTIC DEBT.

School Fund, non-negotiable Bonds.....	\$3,904,783 22
--	----------------

These bonds are five in number, as follows :

No. 1. January 1, 1867.....	\$709,024 85
No. 2. January 20, 1867.....	2,658,567 30
No. 3. May 1, 1868.....	184,234 00
No. 4. January 20, 1871.....	177,700 00
No. 5. May 3, 1873.....	175,767 07
	\$3,904,783

A B S T R A C T S

FROM THE

REPORT OF THE AUDITOR OF STATE,

FOR THE

YEAR ENDING OCTOBER 31, 1874.

*A GENERAL STATEMENT of the Receipts and Disbursements
of the Treasury Department during the fiscal year commencing
November 1, 1873, and ending October 31, 1874.*

R E C E I P T S.

There was remaining in the Treasury November 1, 1873..... \$185,175 47

During the year ending October 31, 1874, the following
sums have been received :

S T A T E R E V E N U E.

On account of Revenue of 1873.....	\$831,303 92	
On account of Delinquent Revenue of 1872.....	60,968 32	
On account of Sinking Fund Tax.....	819 73	
	\$893,091 97	

C O M M O N S C H O O L R E V E N U E.

On account of Tax of 1873.....	\$868,953 48	
On account of Delinquent Tax, 1872.....	205,214 69	
On account of School Fund Interest.....	181,373,52	
On account of Interest on Bonds.....	234,286 99	
On account of Liquor Licenses	350 00	
On account of Unclaimed Fees.....	5,734 62	
	\$1,515,913 30	

COLLEGE FUND.

On account of Principal.....	\$7,390 00	
On account of Interest.....	8,959 63	
On account of Costs	30 00	
On account of University Lands.....	1,888 27	
		<hr/>
		\$18,267 90

PUBLIC INSTITUTIONS.

On account of Hospital for Insane.....	\$17,709 67	
On account of Deaf and Dumb Institution.....	2,350 42	
On account of Blind Asylum.....	2,128 11	
On account of Female Prison....	503 60	
On account of State Prison, South.....	53,307 05	
On account of State Prison, North.....	61,898 51	
		<hr/>
		\$140,897 36

MISCELLANEOUS.

On account of General Fund.....	\$52,120 79	
On account of Temporary Loan.....	200,749 46	
On account of Insurance Tax.....	45,453 58	
On account of Swamp Lands.....	2,267 61	
On account of Estates without Heirs.....	852 46	
On account of Tax on Transportation Companies.....	543 30	
On account of Becket Fees, Circuit Court.....	14,242 88	
On account of Docket Fees, Supreme Court.....	1,500 00	
On account of State House.....	251 13	
On account of State Board of Education.....	189 00	
On account of Judiciary.....	80 00	
On account of Expenses Supreme Court.....	19 20	
On account of Public Printing.....	274 00	
On account of Legislative.....	326 15	
		<hr/>
		\$318,849 04
Total receipts from November 1, 1873, to October 31, 1874, including balance on hand		
November 1, 1873.....		<hr/>
		\$3,072,195 04

DISBURSEMENTS.

ORDINARY EXPENDITURES.

On account of Judiciary.....	\$124,988 79	
On account of Prosecuting Attorney.....	19,318 25	
On account of Executive and Administrative.....	31,800 00	
On account of State House.....	5,287 47	
On account of State Library.....	1,027 98	
On account of Public Printing.....	25,238 20	
On account of Indiana Reports.....	16,436 74	
On account of Sheriff's Mileage.....	13,237 52	
On account of General Fund.....	14,232 96	
On account of Contingent Fund.....	1,839 65	
On account expenses Supreme Court.....	9,280 65	
On account of Telegraphing.....	78 36	
On account of Distribution of Laws.....	625 33	
		<hr/>
		\$263,572 90

OFFICE EXPENSES.

On account of Governor's Office.....	\$3,152 36	
On account of Secretary's Office.....	1,000 00	
On account of Auditor's Office.....	1,500 00	
On account of Treasurer's Office.....	1,000 00	
On account of Attorney General's Office.....	1,024 00	
On account of Superintendent's Office.....	1,000 00	
	<hr/>	\$8,676 36

BENEVOLENT INSTITUTIONS.

On account of Insane Hospital.....	\$197,702 52	
On account of Deaf and Dumb Institution	68,960 88	
On account of Blind Asylum.....	38,235 55	
On account of Soldiers' Home.....	35,308 36	
	<hr/>	\$340,207 31

REFORMATORY INSTITUTIONS.

On account of State Prison, North.....	\$62,586 06	
On account of State Prison, South.....	67,807 05	
On account of Female Prison.....	22,727 41	
On account of House of Refuge.....	40,325 00	
	<hr/>	\$193,445 52

EDUCATIONAL INSTITUTIONS.

On account of State Normal School.....	\$2,819 45	
On account of State University.....	45,030 00	
On account of Purdue University.....	32,062 33	
On account of State Board of Education.....	1,807 82	
	<hr/>	\$81,719 60

COLLEGE FUND.

On account of Principal.....	\$18,850 00	
On account of Interest.....	3 77	
On account of Excess.....	580 46	
On account of Expenses.....	347 00	
On account of Professors' Salaries.....	5,500 00	
	<hr/>	\$20,281 23

COMMON SCHOOL FUND.

On account of School Distribution.....	\$1,487,832 13	
On account of School Fund Interest.....	1,534 84	
On account of School Tax, 1878.....	296 69	
On account of Delinquent School Tax, 1878.....	8 00	
	<hr/>	\$1,490,773

STATE REVENUE.

On account of Revenue of 1873, refunded.....	\$32,240 02	
On account of Delinquent Revenue of 1872, refunded.....	4,141 97	
	<hr/>	\$36,381 99

INDUSTRIAL INTERESTS.

On account of Geological Survey.....	\$8,000 00	
On account of Agricultural Premiums.....	1,600 00	
On account of State Horticultural Society.....	£25 00	
	<hr/>	\$10,325 00

MILITARY EXPENDITURES.

On account of Military Fund.....	\$551 59	
On account of State Military.....	150 00	
On account of Quartermaster's Pay.....	278 17	
On account of Adjutant General's Pay.....	799 99	
	<hr/>	\$1,779 75

PUBLIC INDEBTEDNESS.

On account of War Loan Bond interest.....	\$8,340 00	
On account of Interest on School Bonds.....	334,286 99	
On account of Internal Improvement Bond, Principal.....	20,000 00	
On account of Internal Improvement Bond, Interest.....	37,303 06	
On account of Temporary Loan.....	862 50	
On account of Temporary Loan, Interest.....	59,700 00	
	<hr/>	\$360,492 55

MISCELLANEOUS.

On account of Tippecanoe Battle Ground.....	\$5,924 07	
On account of Estates without heirs.....	489 99	
On account of Free Banking.....	2,300 00	
On account of Swamp Lands.....	3,513 00	
On account of Superintendent's Traveling Expenses.....	600 00	
On account of Legislative.....	178 15	
On account of Specific Appropriations.....	38 40	
On account of Purchase of Laws.....	136 10	
On account of Expenses Calumet Dam.....	500 00	
On account of State House and State Offices.....	6,084 30	
On account of Excess of Bids, Sinking Funds.....	328 07	
On account of Governor's Private Secretary.....	1,000 00	
On account of Insurance Tax.....	252 34	
On account of State Board of Equalization.....	661 00	
	<hr/>	\$21,995 41

Total amount added from November 1, 1873, to October 31, 1874.....\$2,827,901 28

CONDITION OF THE TREASURY.

Balance on hand November 1, 1873.....	\$185,175 47
Receipts during the year ending October 31, 1874.....	\$2,827,019 59
Total	\$3,072,195 06
Total warrants drawn on the Treasury during the year ending October 31, 1874.....	2,827,991 28
Balance in Treasury November 1, 1874.....	\$244,203 78

Of the warrants issued during the year, amounting to \$2,827,991.28, a large proportion was on account of the distribution of the Common School Fund, and refunding of school moneys, and should not, therefore, be considered as State expenses. The amount of school moneys disbursed was \$1,489,173.66, leaving the expenditures of the State proper \$1,338,817.62.

EXHIBIT OF SEPARATE ACCOUNTS.

Showing balance in each, November 1, 1873, receipts and disbursements during the year, and balance October 31, 1874.

CASH.

	Receipts.	Disbursements.
Balance November 1, 1873.....	\$185,175 47	
Received.....	2,887,019 59	
Disbursed.....		\$2,827,991 28
Balance October 31, 1874.....		244,203 78
	<hr/> \$3,072,195 06	<hr/> \$3,072,195 06

SWAMP LANDS.

Balance November 1, 1873.....	\$415 59	
Received	2,287 61	
Disbursed.....		\$3,513 00
To balance.....	829 80	
	<hr/> \$3,513 00	<hr/> \$3,513 00

COLLEGE FUND PRINCIPAL.

Balance November 1, 1873.....	\$3,557 06	
Received	18,267 90	
Disbursed.....		\$20,221 21
Balance October 31, 1874.....		1,603 73
	<hr/> \$21,824 96	<hr/> \$21,824 96

ESTATES WITHOUT HEIRS.

Balance November 1, 1873.....	\$4,150 38	
Received.....	852 46	
Disbursed.....		\$449 99
Balance October 31, 1874.....		4,512 85
	<hr/> \$5,002 84	<hr/> \$5,002 84

INTEREST ON WAR BONDS.

	Receipts.	Disbursements.
Received Appropriation.....	\$8,340	
Disbursed.....		\$8,340
	<u>\$8,340</u>	<u>\$8,340</u>

MILITARY FUND.

Disbursed.....		\$551 59
To balance.....	\$551 59	
	<u>\$551 59</u>	<u>\$551 59</u>

INSANE HOSPITAL.

Received.....	\$17,709 87	
Disbursed.....		\$187,702 52
To balance.....	179,992 85	
	<u>\$197,702 52</u>	<u>\$187,702 52</u>

DEAF AND DUMB INSTITUTION.

Received.....	\$2,350 42	
Disbursed.....		\$68,960 88
To balance.....	66,610 46	
	<u>\$68,960 88</u>	<u>\$68,960 88</u>

BLIND ASYLUM.

Received.....	2,128 11	
Disbursed.....		\$38,235 55
To balance.....	\$36,107 44	
	<u>\$38,235 55</u>	<u>\$38,235 55</u>

STATE PRISON, NORTH.

Received.....	\$64,898 51	
Disbursed.....		\$62,586 06
Balance October 31, 1874.....		2,312 45
	<u>\$64,898 51</u>	<u>\$64,898 51</u>

STATE PRISON, SOUTH.

Received.....	\$53,807 05	
Disbursed.....		\$67,807 05
To Balance.....	14,000 00	
	<u>\$67,807 05</u>	<u>\$67,807 05</u>

HOUSE OF REFUGE.

	Receipts.	Disbursements.
Disbursed.....		\$40,325 00
To Balance.....	\$40,325 00	
	<u>\$40,325 00</u>	<u>\$40,325 00</u>

SOLDIERS HOME.

Disbursed.....		\$35,308 36
To Balance.....	\$35,308 36	
	<u>\$35,308 36</u>	<u>\$35,308 36</u>

STATE NORMAL SCHOOL.

Disbursed		\$2,819 45
To balance.....	\$2,819 45	
	<u>\$2,819 45</u>	<u>\$2,819 45</u>

STATE BOARD EDUCATION.

Received	\$189 00	
Disbursed.....		\$1,807 82
To Balance.....	\$1,618 82	
	<u>\$1,807 82</u>	<u>\$1,807 82</u>

STATE UNIVERSITY.

Disbursed		\$45,030 00
To balance.....	\$45,030 00	
	<u>\$45,030 00</u>	<u>45,030 00</u>

PURDUE UNIVERSITY.

Disbursed.....		\$32,062 38
To balance.....	\$32,062 38	
	<u>\$32,062 38</u>	<u>\$32,062 38</u>

AGRICULTURAL PREMIUMS.

Disbursed.....		\$1,500 00
To Balance.....	\$1,500 00	
	<u>\$1,500 00</u>	<u>\$1,500 00</u>

GEOLOGICAL SURVEY.

Disbursed		\$8,000 00
To Balance.....	\$8,000 00	
	<u>\$8,000 00</u>	<u>\$8,000 00</u>

FEMALE PRISON.

	Receipts.	Disbursements.
Received	\$503 60	
Disbursed.....		\$22,727 41
To Balance.....	\$22,223 81	
	<hr/> \$22,727 41	<hr/> \$22,727 41

STATE HOUSE.

Received.....	\$351 13	
Disbursed.....		\$5,287 47
To Balance.....	\$5,036 34	
	<hr/> \$5,287 47	<hr/> \$5,287 47

STATE LIBRARY.

Disbursed.....		\$1,027 98
To Balance	\$1,027 98	
	<hr/> \$1,027 98	<hr/> \$1,027 98

GENERAL FUND.

Balance November 1, 1873.....	\$753,807 07	
Received.....	52,120 79	
Disbursed.....		\$14,231 96
Balance October 31, 1874.....		791,694 90
	<hr/> \$805,927 86	<hr/> \$805,927 86

SHERIFF'S MILEAGE.

Disbursed.....		\$13,237 52
To Balance.....	\$13,237 52	
	<hr/> \$13,237 52	<hr/> \$13,237 52

CONTINGENT FUND.

Disbursed.....		\$1,839 65
To Balance.....	\$1,839 65	
	<hr/> \$1,839 65	<hr/> \$1,839 65

PUBLIC PRINTING.

Received.....	\$274 00	
Disbursed.....		\$25,238 20
To balance.....	24,964 20	
	<hr/> \$25,238 20	<hr/> \$25,238 20

INDIANA REPORTS.

	Receipts.	Disbursements.
Disbursed.....		\$16,436 74
To Balance.....	\$16,436 74	
	<u>\$16,436 74</u>	<u>\$16,436 74</u>

DISTRIBUTION OF LAWS.

Disbursed.....		\$825 33
To Balance.....	\$825 33	
	<u>\$825 33</u>	<u>\$825 33</u>

TELEGRAPHING.

Disbursed.....		\$78 36
To Balance.....	\$78 36	
	<u>\$78 36</u>	<u>\$78 36</u>

SPECIFIC APPROPRIATIONS.

Disbursed.....		\$38 40
To balance.....	\$38 40	
	<u>\$38 40</u>	<u>\$38 40</u>

LEGISLATIVE.

Received.....	\$326 15	
Disbursed.....		\$178 18
Balance October 31, 1874.....		\$148 00
	<u>\$326 15</u>	<u>\$326 15</u>

JUDICIARY.

Received.....	\$50 00	
Disbursed.....		\$124,969 79
To balance.....	\$124,969 79	
	<u>\$124,969 79</u>	<u>\$124,969 79</u>

PROSECUTING ATTORNEYS.

Disbursed.....		\$19,318 25
To balance.....	\$19,318 25	
	<u>\$19,318 25</u>	<u>\$19,318 25</u>

EXECUTIVE.

Disbursed.....		\$31,800 00
To balance.....	\$31,800 00	
	<u>\$31,800 00</u>	<u>\$31,800 00</u>

GOVERNOR'S OFFICE.

	Receipts.	Disbursements.
Disbursed.....		\$3,152 35
To Balance.....	\$3,152 35	
	<u>\$3,152 35</u>	<u>\$3,152 35</u>

SECRETARY'S OFFICE.

Appropriation.....	\$1,000 00	
Disbursed.....		\$1,000 00
	<u>\$1,000 00</u>	<u>\$1,000 00</u>

AUDITOR'S OFFICE.

Appropriation.....	\$1,500 00	
Disbursed.....		\$1,500 00
	<u>\$1,500 00</u>	<u>\$1,500 00</u>

TREASURER'S OFFICE.

Appropriations.....	\$1,000 00	
Disbursed.....		\$1,000 00
	<u>\$1,000 00</u>	<u>\$1,000 00</u>

SUPERINTENDENT'S OFFICE.

Appropriation.....	\$1,000 00	
Disbursed.....		\$1,000 00
	<u>\$1,000 00</u>	<u>\$1,000 00</u>

SUPERINTENDENT'S TRAVELING EXPENSES.

Appropriation.....	\$800 00	
Disbursed.....		\$800 00
	<u>\$800 00</u>	<u>\$800 00</u>

ATTORNEY GENERAL'S OFFICE.

Appropriation.....	\$1,000 00	
Disbursed.....		\$1,024 00
To balance.....	\$24 00	
	<u>\$1,024 00</u>	<u>\$1,024 00</u>

ADJUTANT GENERAL'S PAY.

Appropriation.....	\$800 00	
Disbursed.....		\$799 99
Balance, October 31, 1874.....		
	<u>\$800 00</u>	<u>\$800 00</u>

ABSTRACTS FROM THE

EXPENSES SUPREME COURT.

	Receipts.	Disbursements.
Received.....	\$19 20	
Disbursed.....		\$9,280 65
To balance.....	\$9,261 45	
	<hr/>	<hr/>
	\$9,280 65	\$9,280 65

FREE BANKING.

Appropriation.....	\$2,300 00	
Disbursed.....		\$2,300 00
	<hr/>	<hr/>
	\$2,300 00	\$2,300 00

DOCKET FEES SUPREME COURT.

Received.....	\$1,500 00	
Balance, October 31, 1874.....		\$1,500 00
	<hr/>	<hr/>
	\$1,500 00	\$1,500 00

DOCKET FEES CIRCUIT COURT.

Received.....	\$14,242 38	
Balance, October 31, 1874.....		\$14,242 38
	<hr/>	<hr/>
	\$14,242 38	\$14,242 38

QUARTERMASTER GENERAL'S PAY.

Disbursed.....	\$278 17	
To Balance.....		\$278 17
	<hr/>	<hr/>
	\$278 17	\$278 17

DELINQUENT SINKING FUND TAX.

Received.....	\$819 73	
To Balance, October 31, 1874.....		\$819 73
	<hr/>	<hr/>
	\$819 73	\$819 73

INTEREST COMMON SCHOOL FUND BONDS.

Disbursed.....		\$234,286 99
To Balance.....	\$234,286 99	
	<hr/>	<hr/>
	\$234,286 99	\$234,286 99

SCHOOL TAX, 1872,

Disbursed.....		\$ 00
To Balance.....	\$8 00	
	<hr/>	<hr/>
	\$8 00	

INTERNAL IMPROVEMENT BOND, PRINCIPAL.

	Receipts.	Disbursements.
Disbursed.....		\$20,000 00
To Balance.....	\$20,000 00	
	<u>\$20,000 00</u>	<u>\$20,000 00</u>

INTERNAL IMPROVEMENT BOND, INTEREST.

Disbursed.....		\$37,303 06
To Balance.....	\$37,303 06	
	<u>\$37,303 06</u>	<u>\$37,303 06</u>

TEMPORARY LOAN.

Received.....	\$200,749 46	
Disbursed.....		\$862 50
Balance October 31, 1874.....		199,886 96
	<u>\$200,749 46</u>	<u>\$200,749 46</u>

STATE HOUSE AND STATE OFFICERS.

Disbursed.....		\$6,084 30
To Balance.....	6,084 30	
	<u>\$6,084 30</u>	<u>\$6,084 30</u>

EXCESS OF BIDS, SINKING FUND.

Balance, November 1, 1873.....	\$2,733 26	
Disbursed.....		\$328 07
Balance, October 31, 1874.....		2,405 19
	<u>\$2,733 26</u>	<u>\$2,733 26</u>

GOVERNOR'S PRIVATE SECRETARY.

Appropriation	\$1,000 00	
Disbursed.....		\$1,000 00
	<u>\$1,000 00</u>	<u>\$1,000 00</u>

INSURANCE TAX.

Received.....	\$45,453 58	
Disbursed.....		\$252 34
Balance, October 31, 1874.....		45,201 24
	<u>\$45,453 58</u>	<u>\$45,453 58</u>

STATE BOARD OF EQUALIZATION.

Disbursed.....		\$651
To Balance.....	\$651	
	<u>\$651</u>	<u>\$651</u>

ABSTRACTS FROM THE

TIPPECANOE BATTLE GROUND.

	Receipts.	Disbursement .
Appropriation.....	\$24,100 00	
Disbursed, 1873		\$11,330 10
Disbursed, 1874.....		5,924 07
Balance, October 31, 1874.....		6,245 83
	<hr/> \$24,100 00	<hr/> \$24,100 00

DELINQUENT REVENUE, 1872.

Balance November 1, 1873.....	\$32,557 76	
Received.....	60,968 83	
Disbursed.....		\$4,191 97
Balance October 31, 1874.....		79,334 05
	<hr/> \$93,526 02	<hr/> \$83,536 02

TEMPORARY LOAN.

Disbursed.....		\$59,700 00
To balance.....	\$59,700 00	
	<hr/> \$59,700 00	<hr/> \$59,700 00

STATE HORTICULTURAL SOCIETY.

Disbursed		\$325 09
To balance	\$325 00	
	<hr/> \$325 00	<hr/> \$325 00

PURCHASE OF LAWS.

Disbursed		\$136 10
To balance	\$136 10	
	<hr/> \$136 10	<hr/> \$136 10

EXPENSES CALUMET DAM.

Disbursed		\$500 00
To balance	\$500 00	
	<hr/> \$500	<hr/> \$500

TAX ON TRANSPORTATION COMPANIES.

Received.....	\$543 30	
Balance October 31, 1874.....		\$543 30
	<hr/> \$543 30	<hr/> \$543 30

STATE MILITARY.

Disbursed		\$150 00
To balance	\$150 00	
	<hr/> \$150 00	<hr/> \$150 00

REVENUE OF 1873.

	Receipts.	Disbursements.
Received.....	\$831,308 92	
Refunded.....		\$32,240 02
Balance October 31, 1874.....		799,068 90
	<hr/>	<hr/>
	\$831,308 92	\$831,308 92

NOTE.—In the foregoing exhibit of separate accounts there are some which show no receipts, from the fact that some appropriations are governed by the fiscal year, others by the calendar year, and others still by the year beginning with the date of the law making the appropriation, the proportion of receipts by appropriation, can not be given. The exhibit shows the amounts received independently of appropriations, and in all cases the amounts disbursed.

THE TRUST FUNDS.

A STATEMENT of the Receipts and Disbursements on account of the various Trust Funds.

COLLEGE FUND.

Receipts.

Principal	\$7,890 00	
Interest.....	8,959 63	
Costs	30 00	
University Lands.....	1,888 27	
		<u>\$18,267 90</u>

DISBURSEMENTS.

Principal	\$13,850 00	
Interest.....	3 77	
Excess	590 46	
Expense	347 00	
Professors' Salaries.....	5,500 00	
		<u>\$20,221 23</u>

LOAN ACCOUNT.

Outstanding November 1, 1873.....	\$101,726 36	
Collected during the year.....	7,390 00	
	\$98,336 36	
Loaned during the year.....	13,850 00	
		<u>\$112,186 36</u>

SURPLUS REVENUE FUND.

Balance same as last year.....	\$2,007 52
--------------------------------	------------

ESTATES WITHOUT HEIRS.

Receipts.

Balance on hand November 1, 1873.....	\$4,150 38	
Received during the year.....	852 46	
		<u>\$5,002 84</u>
Refunded to appearing heirs		489 99
Balance on hand November 1, 1874.....		<u>\$4,512 85</u>

THREE PER CENT. FUND.

Balance same as last year.....	\$32 13
--------------------------------	---------

SWAMP LAND FUND.

Balance on hand November 1, 1873.....	\$415 59	
Received during the year.....	2,267 61	
	<hr/>	\$2,683 20
Disbursed.....		3,513 00

CONDITION OF THE FUNDS.

There was remaining in the Treasury November 1, 1873.....	\$244,203 78
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The following balances are due from the General Fund :

To the Surplus Revenue Fund.....	\$2,007 52	
To the Fund from Estates without heirs.....	4,512 85	
To the Three Per Cent. Fund.....	32 13	
	<hr/>	\$6,552 50
Showing an excess of.....		\$237,651 28

There is due to the General Fund :

From the College Fund.....	\$1,953 33	
From the Swamp Land Fund.....	329 80	
From the Common School Fund.....	\$10,291 94	
	<hr/>	13,075 07
		<hr/>
		\$250,726 35

GENERAL SUMMARY.

RECEIPTS.

From State Revenue.....	\$893,091 97	
From the Common School Revenue.....	1,515,913 30	
From the College Fund.....	18,367 90	
From the Public Institutions.....	140,897 36	
From Miscellaneous.....	318,849 06	
Total.....		2,887,019 59
Balance November 1, 1873.....		186,175 47
Total.....		\$3,073,195 06

EXPENDITURES.

Ordinary Expenses.....	\$263,572 90	
Office Expenses.....	8,676 35	
Benevolent Institutions.....	340,907 31	
Reformatory Institutions.....	193,445 52	
Educational Institutions.....	81,719 60	
College Fund.....	20,321 33	
Common School Fund.....	1,489,173 66	
State Revenue.....	36,321 99	
Industrial Interests.....	10,320 00	
Military Expenses.....	1,779 75	
Public Indebtedness.....	360,492 55	
Miscellaneous.....	21,965 43	
Total.....		\$3,837,991 29

TREASURY STATEMENTS.

The following statement shows the annual Receipts and Disbursements of the treasury during the eighteen years commencing November 1, 1855, and ending October 31, 1874, together with the balance on hand at the close of each fiscal year :

Balance on hand November 1, 1855.....	\$463,234 16
Receipts during the year ending October 31, 1856.....	1,495,368 99
Total.....	1,958,711 14

Expenditures during the year ending October 31, 1856.....	1,388,976 11
Balance on hand November 1, 1856.....	\$624,735 03
Receipts during year ending October 31, 1857.....	1,774,675 14
Total.....	\$2,390,410 17
Expenditures during the year ending October 31, 1857.....	1,748,756 89
Balance on hand November 1, 1857.....	\$650,653 43
Receipts during the year ending October 31, 1858.....	844,416 84
Total.....	\$1,495,070 32
Expenditures during the year ending October 31, 1858.....	1,363,728 04
Balance on hand November 1, 1858.....	\$131,342 28
Receipts during the year ending October 31, 1859.....	1,288,445 73
Total.....	\$1,419,788 00
Expenditures during the year ending October 31, 1859.....	1,318,185 64
Balance on hand November 1, 1859.....	\$201,602 36
Receipts during the year ending October 31, 1860.....	1,658,217 83
Total.....	\$1,859,820 24
Expenditures during the year ending October 31, 1860.....	1,631,107 43
Balance on hand November 1, 1860.....	\$238,712 76
Receipts during the year ending October 31, 1861.....	3,072,657 64
Total.....	\$3,311,370 40
Expenditures during the year ending October 31, 1861.....	3,546,224 07
Balance on hand November, 1, 1861.....	865,146 33
Receipts during the year ending October 31, 1862.....	3,486,304 55
Total.....	\$3,851,450 88
Expenditures during the year ending October 31, 1862.....	2,974,976 46
Balance on hand November 1, 1862.....	\$876,474 42
Receipts during the year ending October 31, 1863.....	2,232,899 33
Total.....	\$3,109,373 75
Expenditures during the year ending October 31, 1863.....	2,503,246 53
Balance on hand November 1, 1863.....	\$606,127 23
Receipts during the year ending October 31, 1864.....	2,391,391 15
Total.....	\$2,997,418 37
Expenditures during the year ending October 31, 1864.....	1,752,520 70
Balance on hand November 1, 1864.....	\$1,244,888 67
Receipts during the year ending October 31, 1865.....	2,742,990 19
Total.....	\$3,987,877 86
Expenditures during the year ending October 31, 1865.....	3,901,824 52
Balance on hand November 1, 1865.....	\$86,051 34
Receipts during the year ending October 31, 1866.....	3,967,085 23
Total.....	\$4,043,086 57

Expenditures during the year ending October 31, 1866.....	3,661,564 63
Balance on hand November 1, 1866.....	381,521 89
Receipts during the year ending October 31, 1867.....	4,210,336 44
Total.....	4,591,858 33
Expenditures during the year ending October 31, 1867.....	4,446,505 54
Balance on hand November 1, 1867.....	145,352 79
Receipts during the year ending October 31, 1868.....	4,379,687 07
Total.....	4,425,039 86
Expenditures during the year ending October 31, 1868.....	3,842,605 92
Balance on hand November 1, 1868.....	582,433 94
Receipts during the year ending October 31, 1869.....	4,197,489 21
Total.....	4,779,923 15
Expenditures during the year ending October 31, 1869.....	4,478,271 11
Balance on hand November 1, 1869.....	306,652 04
Receipts during the year ending October 31, 1870.....	3,589,689 40
Total.....	3,896,341 44
Expenditures during the year ending October 31, 1870.....	3,532,406 79
Balance on hand November 1, 1870.....	364,134 65
Receipts during the year ending October 31, 1871.....	3,606,639 23
Total.....	3,969,773 88
Expenditures during the year ending October 31, 1871.....	2,943,416 90
Balance on hand October 31, 1871.....	1,026,356 98
Receipts during the year ending October 31, 1872.....	2,415,269 59
Total.....	3,441,626 57
Expenditures during the year ending October 31, 1872.....	2,686,601 79
Balance on hand November 1, 1872.....	755,024 37
Receipts during the year ending October 31, 1873.....	3,545,606 15
Total.....	4,300,633 02
Expenditures during the year ending October 31, 1873.....	4,115,467 55
Balance on hand November 1, 1873.....	185,175 47
Receipts during the year ending October 31, 1874.....	2,887,019 59
Total.....	3,072,195 06
Expenditures during the year ending October 31, 1874.....	2,827,991 28
Balance on hand November 1, 1874.....	244,203 78

The total valuation of the real and personal property in the State during the last nineteen years, together with the increase or decrease each year, are shown as follows :

	Total.	Increase.	Decrease.
For the year 1856.....	\$279,032,209	.....	.....
For the year 1857.....	317,932,968	\$38,900,749	.....
For the year 1858.....	318,204,964	272,006	.....
For the year 1859.....	435,367,862	117,162,898	.....
For the year 1860.....	555,011,378	19,643,516	.....
For the year 1861.....	441,562,339	.....	\$13,499,039
For the year 1862.....	421,406,936	.....	20,155,403
For the year 1863.....	443,455,036	22,048,100	.....
For the year 1864.....	516,805,999	73,350,963	.....
For the year 1865.....	567,381,553	50,575,554	.....
For the year 1866.....	578,184,109	11,102,556	.....
For the year 1867.....	577,869,079	.....	616,030
For the year 1868.....	587,970,549	10,101,470	.....
For the year 1869.....	655,521,479	67,550,930	.....
For the year 1870.....	662,283,178	6,761,699	.....
For the year 1871.....	653,944,159	.....	8,339,019
For the year 1872.....	653,367,451	.....	576,708
For the year 1873.....	933,581,067	280,213,616	.....
For the year 1874, estimated.....	954,857,475	21,276,408	.....

THE STATE DEBT.

The condition of the public debt of the State at the date of this report, October 31, 1874, is as follows:

FOREIGN DEBT.

Five per cent. certificates State Stock.....	\$36,469 99
Two and one-half per cent. certificates State Stock.....	3,285 13
War Loan Bonds, six per cent.....	139,000 00
Temporary Loan Bonds, eight per cent., due March 12, 1875.....	206,600 00
Temporary Loan Bonds, seven per cent., due April 15, 1876.....	510,000 00
Temporary Loan Bonds, eight per cent., due December 1, 1876.....	200,000 00
Internal improvement Bonds.....	94,000 00
Total	\$1,172,755 12

DOMESTIC DEBT.

School Fund Bond No. 1, January 1, 1867	\$709,024 85
School Fund Bond No. 2, January 20, 1867	2,658,067 30
School Fund Bond No. 3, May 1, 1868	184,234 00
School Fund Bond, No. 4, January 20, 1871.....	\$177,700 00
School Fund Bond, No. 5, May 3, 1873.....	175,767 07
Total	\$3,904,793 22
Total debt	\$5,077,538 34

REDEMPTIONS.

During the fiscal year ending October 31, 1874, certificates of State Stock and Internal Improvement Bonds have been redeemed as follows:

Five per cent. Certificates.....	\$ 500 00
Two and one-half per cent. Certificates.....	775 00
Internal Improvement Bonds.....	20,000 00
Total Redemptions.....	\$21,275 00

INTERNAL IMPROVEMENT BONDS.

Redeemed during the fiscal year ending October 31, 1874.
Amount of principal and interest due and paid on each :

No. 745, Sterling Bond, due July 1, 1863.....	\$1,000 00	
Interest.....	2,766 12	\$3,766 12
No. 746, Sterling Bond, due July 1, 1863.....	\$1,000 00	
Interest.....	2,766 13	2,766 13
No. 2,623, Sterling Bonds, due July 1, 1865.....	\$1,000 00	
Interest.....	2,807 97	2,807 97
No. 2,855, Sterling Bond, due July 1, 1865.....	\$1,000 00	
Interest.....	2,807 98	
Balance of interest, premium and exchange.....	4,087 41	7,845 39
No. 3,245, Internal Improvement Bond, due July 1, 1863.....	1,000 00	
No. 4,017, Internal Improvement Bond, due July 1, 1864.....	1,000 00	
Interest.....	6,205 00	\$8,205 30
No. 853, Sterling Bond, due July, 1874.....	\$1,000 00	
No. 867, Sterling Bond, due July, 1874.....	1,000 00	
No. 874, Sterling Bond, due July, 1874.....	1,000 00	
No. 981, Sterling Bond, due July, 1874.....	1,000 00	
No. 984, Sterling Bond, due July, 1874.....	1,000 00	
No. 986, Sterling Bond, due July, 1874.....	1,000 00	
No. 987, Sterling Bond, due July, 1874.....	1,000 00	
No. 989, Sterling Bond, due July, 1874.....	1,000 00	
No. 990, Sterling Bond, due July, 1874.....	1,000 00	
No. 996, Sterling Bond, due July, 1874.....	1,000 00	
Interest.....	2,402 95	42,402 95
No. 611, Sterling Bond, due July 1, 1874.....	1,000 00	
No. 708, Sterling Bond, due July 1, 1874.....	1,000 00	
Interest.....	480 49	\$2,480 49
No. 310, Bank Loan Bond, due July 1, 1874.....	1,000 00	
Interest.....	240 24	\$1,240 24
No. 3,285, Internal Improvement Bond, due July 1, 1873.....	1,000 00	
Interest.....	2,701 59	\$3,701 59
Total		\$47,216 18

RECAPITULATION.

Principal.....	\$20,000 00	
Interest.....	27,216 18	
Total		\$47,216 18

Each of the vouchers for the payment of the foregoing principal and interest was approved and allowed by the Governor, Secretary, and Treasurer of State, and Attorney General.

During the two years ending October 31, 1874, Internal Improvement bonds have been redeemed and interest paid as follows :

During 1873, seventy-seven Bonds.....	\$77,000 00	
Interest, including detached coupons.....	361,184 20	
		<hr/>
		\$438,184 20
During 1874, twenty Bonds.....	\$30,000 00	
Interest.....	27,216 18	
		<hr/>
		47,216 18
		<hr/>
Total.....		\$485,400 38

There are remaining outstanding of the old Bonds, at this date, ninety-four.

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L A W S
OF THE
STATE OF INDIANA

PASSED AT
THE SPECIAL SESSION

OF THE
GENERAL ASSEMBLY,

BEGUN ON THE NINTH DAY OF MARCH, A. D. 1875.

BY AUTHORITY.

INDIANAPOLIS:
SENTINEL COMPANY, PRINTERS.
1875.

L A W S.

CHAPTER I.

AN ACT making general appropriations for the years one thousand eight hundred and seventy-five, and one thousand eight hundred and seventy-six, and authorizing certain State officers to make Temporary Loans in certain contingencies named therein.

[APPROVED MARCH 12, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of meeting the expenses of the State Government for the year one thousand eight hundred and seventy-five, the following sums are hereby appropriated:

SEC. 2. For the payment of the salaries of the executive officers and their deputies and clerks, the following sums:

For the salary of the Governor, eight thousand dollars.

For the salary of the Treasurer of State, three thousand dollars.

For the salary of the Auditor of State, two thousand five hundred dollars.

For the salary of the Secretary of State, two thousand dollars.

For the salary of the Superintendent of Public Instruction, two thousand dollars.

For the salary of the State Librarian, twelve hundred dollars.

For the salary of the Governor's Private Secretary, one thousand dollars.

For the salary of the Auditor of State's Clerks, three thousand dollars.

For the salary of the Treasurer of State's Clerks, sixteen hundred dollars.

For the salary of Secretary of State's Clerks, fifteen hundred dollars.

Appropriation for expenses of State Government for 1875.

Governor's salary.
Treasurer of State. Salary.

Auditor of State Salary.

Secretary of State. Salary.

Supt. Pub. Inst. Salary.

State Librarian. Salary.

Governor's Private Secretary. Salary.

Auditor of State's clerks. Salary.

Treasurer of State's clerks. Salary.

Secretary of State's clerks. Salary.

Clerk of Supt.
Pub. Inst. Sal-
ary.

Attorney Gene-
ral. Salary.

Judges of Su-
preme Court.
Salaries.

State House.
Attendance and
repairs.

State Library.
Incidental ex-
penses.

Auditor of
State's office.
Incidental ex-
penses.

Secretary of
State, for inci-
dental expenses
of his office.

Treasurer of
State, for inci-
dental expenses
of his office.

Supt. Pub. Inst.
for incidental
expenses of his
office.

Distribution of
laws and public
documents.

Supreme Court
for contingent
expenses.

Executive De-
partment, for
clerk hire, and
incidental ex-
penses of Gov-
ernor's office.

Governor's civil
contingent fund

Supt. Pub. Inst.
for traveling
expenses.

Attorney Gene-
ral. Incidental
and traveling
expenses.

Incidental ex-
penses of the
Judiciary,
where judges in
certain cases are
called to preside

State House and
State Offices,
for incidental
expenses for
fuel, stationery
&c.

For the salary of the Clerk of the Superintendent of Public Instruction, eight hundred dollars.

For the salary of the Attorney General, one thousand dollars.

For the salaries of the Judges of the Supreme Court, at four thousand dollars each, twenty thousand dollars.

For State House attendance and repairs, two thousand dollars.

For the incidental expenses of the State Library, to include binding and the purchase of new books, one thousand dollars.

For incidental expenses of the Auditor of State's office, fifteen hundred dollars.

For incidental expenses of the Secretary of State's office, one thousand dollars.

For incidental expenses of the Treasurer of State's office, one thousand dollars.

For incidental expenses of the office of the Superintendent of Public Instruction, one thousand dollars.

For the distribution of Laws and Public Documents, fifteen hundred dollars.

For the contingent expenses of the Supreme Court, twenty-five hundred dollars.

SEC. 3. That the sum of four thousand dollars, or so much thereof as may be necessary for the Executive Department, for clerk hire and necessary incidentals of the Governor's office, be and the same is hereby appropriated.

SEC. 4. That the sum of three thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the Civil Contingent Fund of the Governor.

SEC. 5. That for the traveling expenses of the Superintendent of Public Instruction the sum of six hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

SEC. 6. That for incidental and traveling expenses of the Attorney General, the sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

SEC. 7. That for the purpose of meeting the incidental expenses of the Judiciary, to pay Judges of Circuit Courts, called by presiding Judges to try causes in which such presiding Judges may be interested, and for special terms, the sum of two thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

SEC. 8. That for incidental expenses of the State House and State offices, including fuel, stationery, &c., the sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

SEC. 9. That for the salary of the Adjutant General, eight hundred dollars is hereby appropriated. Adjutant General's salary.

SEC. 10. That for the salary of the Quartermaster General, three hundred dollars is hereby appropriated. Quartermaster's General salary.

SEC. 11. For Sheriff's mileage, fifteen thousand dollars; for public printing, paper and binding, the sum of thirty thousand dollars is hereby appropriated for the year 1875. Sheriff's mileage
Public Printing for 1875.

Out of this appropriation shall be printed, under the direction of the State Board of Agriculture, the reports of the Board for the aforesaid year. Also, the reports of the State Horticultural Society for the year aforesaid, and Geological Reports for the same year. For the Indiana Reports, five thousand dollars. For the Geological Survey, eight thousand dollars. For the Military Contingent Fund of the Governor, two thousand dollars. Indiana Reports
Geological Survey
Military contingent fund of Governor.

SEC. 12. That for the purpose of meeting the expenses of the State Government for the year one thousand eight hundred and seventy-six, the following sums are hereby appropriated: Appropriation for expenses of State Government for 1876.

SEC. 13. For the payment of the salaries of the Executive officers and their Deputies and Clerks, the following sums:

For the salary of the Governor, eight thousand dollars. Governor's Salary.

For the salary of the Treasurer of State, three thousand dollars. Treasurer of State. Salary.

For the salary of the Auditor of State, two thousand five hundred dollars. Auditor of State Salary.

For the salary of the Secretary of State, three thousand dollars. Secretary of State. Salary.

For the salary of the Superintendent of Public Instruction, two thousand dollars. Supt. Pub. Inst. Salary.

For the salary of the State Librarian, twelve hundred dollars. State Librarian. Salary.

For the salary of the Governor's Private Secretary, one thousand dollars. Governor's Private Secretary. Salary.

For the salary of the Auditor of State's Clerks, three thousand dollars. Auditor of State's clerks. Salary.

For the salary of the Treasurer of State's Clerks, sixteen hundred dollars. Treasurer of State's clerks. Salary.

For the salary of the Secretary of State's Clerks, fifteen hundred dollars. Secretary of State's clerks. Salary.

For the salary of the Clerk of the Superintendent of Public Instruction, eight hundred dollars. Clerk of Supt. of Pub. Inst. Salary.

For the salary of the Attorney General, one thousand dollars. Attorney General. Salary.

For the salary of the Judges of the Supreme Court, at four thousand dollars each, twenty thousand dollars. Judges of Supreme Court. Salaries.

For State House attendance and repairs, two thousand dollars. State House. Attendance and repairs.

State Library.
Incidental ex-
penses.

For incidental expenses of the State Library, to include binding and the purchase of new books, one thousand dollars.

Auditor of
State's office.
Incidental ex-
penses.

For incidental expenses of the Auditor of State's office fifteen hundred dollars.

Secretary of
State's office.
Incidental ex-
penses.

For incidental expenses of Secretary of State's office, one thousand dollars.

Treasurer of
State's office.
Incidental ex-
penses.

For incidental expenses of the Treasurer of State's office, one thousand dollars.

Supt. Pub. Inst.
Incidental ex-
penses of office.

For the incidental expenses of the office of the Superintendent of Public Instruction, one thousand dollars.

Distribution of
laws and public
documents.

For the distribution of Laws and Public Documents, fifteen hundred dollars.

Supreme Court.
Contingent ex-
penses.

For the Contingent Expenses of the Supreme Court, twenty-five hundred dollars.

Executive De-
partment, for
clerk hire, and
Incidental ex-
penses of Gov-
ernor's office.

SEC. 14. That the sum of four thousand dollars, or so much thereof as may be necessary for the Executive Department for clerk hire and necessary incidentals of the Governor's office, be and the same is hereby appropriated.

Governor's civil
contingent fund

SEC. 15. That the sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the Civil Contingent Fund of the Governor.

Supt. Pub. Inst.
Traveling ex-
penses.

SEC. 16. That for the traveling expenses of the Superintendent of Public Instruction, the sum of six hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

Attorney Gene-
ral. Incidental
and traveling
expenses.

SEC. 17. That for incidental and traveling expenses for the Attorney General, the sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

Incidental ex-
penses of the
Judiciary,
where Judges,
in certain cases,
are called to pre-
side.

SEC. 18. That for the purpose of meeting the incidental expenses of the Judiciary, to pay Judges of Circuit Courts called by presiding Judges to try causes in which such presiding Judges may be interested, and for special terms, the sum of two thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated.

State House, and
State offices.
Incidental ex-
penses for fuel,
stationery, &c.

SEC. 19. That for incidental expenses of the State House and State offices, including fuel, stationery, &c., the sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

Adjutant Gene-
ral. Salary.

SEC. 20. For the salary of the Adjutant General eight hundred dollars is hereby appropriated.

Quartermaster
General's Salary

SEC. 21. For the salary of the Quartermaster General three hundred dollars is hereby appropriated.

Sheriff's mileage

SEC. 22. For Sheriff mileage, ten thousand dollars; for public printing, paper and binding, the sum of twenty thousand dollars is hereby appropriated for the year 1876. Out of this appropriation shall be printed, under the

Public Printing
for 1876.

direction of the State Board of Agriculture, the reports of the Board for the aforesaid year. Also, the report of the State Horticultural Society for the year aforesaid, and Geological Report for the same year. For the Indiana Reports, five thousand dollars. For the Geological Survey, eight thousand dollars. For the Military Contingent Fund of the Governor, two thousand dollars.

Indiana Reports

SEC. 23. That for the current expenses for the Indiana Hospital for the Insane, including the salary of the Superintendent of twenty-five hundred dollars, for the year from first of April, 1875, to thirty-first of March, 1876, the sum of one hundred and thirty-five thousand dollars.

Hospital for the Insane, current expenses for the years 1875-6, including salary of Superintendent.

SEC. 24. That for the current expenses of the Institution for educating the Deaf and Dumb, for the year from first of April, 1875, to thirty-first of March, 1876, including the salary of the Superintendent of two thousand dollars, the sum of sixty thousand dollars.

Deaf and Dumb Institution, for current expenses, 1875-6, including salary of superintendent.

SEC. 25. That for the current expenses of the Institute for the Education of the Blind for the year from first of April, 1875, to thirty-first of March, 1876, including the salary of the Superintendent of two thousand dollars, thirty-two thousand five hundred dollars.

Blind Institute, for current expenses, for 1875-6, including salary of Superintendent.

SEC. 26. That for the current expenses of the Indiana Soldiers, Seamen and Orphans' Home for the year from the first of April, 1875, to thirty-first of March, 1876, including the salary of the Superintendent, the sum of thirty-eight thousand dollars.

Soldiers' Seamen's and Orphan's Home, for current expenses for 1875-6, including salary of Superintendent.

SEC. 27. That for the current expenses of the House of Refuge, including the salary of the Superintendent, medical attendance and all other expenses for the year from first of April, 1875, to thirty-first of March, 1876, the sum of thirty-five thousand dollars.

House of Refuge for current expenses, for 1875-6, including salary of Superintendent.

SEC. 28. That for the current expenses of the Indiana Hospital for the Insane, including the salary of the Superintendent of two thousand five hundred dollars, for the year from first of April, 1876, to thirty-first of March, 1877, one hundred and thirty-five thousand dollars.

Hospital for Insane, for current expenses for 1876-7, including salary of Superintendent.

SEC. 29. That for the current expenses of the Institution for Educating the Deaf and Dumb, for the year from first of April, 1876, to thirty-first of March 1877, including the salary of the Superintendent of two thousand dollars, the sum of sixty thousand dollars.

Deaf and Dumb Institution, for current expenses, for 1876-7, including salary of Superintendent.

SEC. 30. That for the current expenses for the Institution for the Education of the Blind, for the year from first of April, 1876, to thirty-first of March, 1877, including the salary of the Superintendent of two thousand dollars, thirty-two thousand five hundred dollars.

Blind Institution, for current expenses for 1876-7, including salary of Superintendent.

Soldiers', Seamen's and Orphans' Home, for current expenses, for 1876-7, including salary of Superintendent.

SEC. 31. That for the current expenses of the Indiana Soldiers', Seamen's and Orphans' Home for the year from first of April, 1876, to thirty-first of March, 1877, including the salary of Superintendent, the sum of thirty-eight thousand dollars.

House of Refuge for current expenses, 1876-7, including salary of Superintendent, and medical attendance.

SEC. 32. That for the current expenses of the House of Refuge, including the salary of the Superintendent, medical attendance and all other expenses, for the year from first of April, 1876, to thirty-first of March, 1877, the sum of thirty-five thousand dollars.

State Prison North, for work shop.

SEC. 33. That for the purpose of building a work shop to the State Prison North, ten thousand dollars, out of a surplus of twenty thousand dollars, appropriated in 1873, and five hundred dollars for a library for same.

School Bonds, for payment of interest thereon

SEC. 34. That for the payment of the interest on the school bonds for the year 1875, the sum of two hundred and thirty-four thousand two hundred and eighty-seven dollars, and a like sum for the year 1876.

Circuit Judges', salaries for 1875, and 1876.

SEC. 35. That for the salaries of forty Circuit Judges at two thousand five hundred dollars each, the sum of one hundred thousand dollars for the year 1875, and a like sum for the year 1876.

Prosecuting Attorneys salaries for 1876-8.

SEC. 36. That for the salaries of forty Prosecuting Attorneys, at five hundred dollars each, the sum of twenty thousand dollars for the year 1875, and a like sum for the year 1876.

State Normal School, for payment of debt thereof, and incidental expenses for 1875-8.

SEC. 37. That for the purpose of liquidating the indebtedness of the State Normal School there shall be appropriated the sum of twenty two thousand one hundred and sixty-eight dollars, and also for the incidental expenses, janitor's fees, and all other expenses for the year 1875, the sum of two thousand dollars, and a like sum for the year 1876.

State Horticultural Society for incidental expenses for 1875 and 1876.

SEC. 38. For the incidental expenses of the State Horticultural Society for the years 1875 and 1876, the sum of five hundred dollars is hereby appropriated to be drawn by order of the President of such Society, each year.

Reformatory Institution for Women and Girls, current expenses for 1875, and 1876, and for building and improvements.

SEC. 39. That for the current expenses of the Indiana Reformatory Institution for Women and Girls, for the year ending December 31st, 1875, the sum of twenty-seven thousand and five hundred dollars is hereby appropriated, and for the year ending December 31st, 1876, a like sum, and that for necessary buildings and improvements, the sum of twenty-five thousand dollars is hereby appropriated, to be disbursed by the Auditor of State, upon certificates of the Governor, as under the original act creating the institution.

State Board of Education, for incidental expenses for 1875 and 1876.

SEC. 40. That for the incidental expenses of the State Board of Education for the year 1875, the sum of fifteen hundred dollars be, and the same is hereby appropriated, and a like sum for the year 1876.

SEC. 41. That for the payment of the interest for the year 1875, the sum of forty thousand and forty dollars; and for the payment of the interest for the year 1876, the sum of fifty-one thousand seven hundred dollars.

For payment of interest for 1875 and 1876.

SEC. 42. That there be appropriated to the Purdue University, for the following specific purposes, viz.: For physical, mechanical, chemical and engineering apparatus, the sum of ten thousand dollars; for farm house and barn, four thousand dollars; and for stock, agricultural implements, farming utensils, &c., four thousand dollars; for library, &c., two thousand dollars, making, in all, the sum of twenty thousand dollars.

Purdue University.

SEC. 43. The Auditor of State, Secretary of State and Treasurer of State shall each be allowed to draw the several appropriations made in this act for contingent expenses of their respective offices.

Auditor, Secretary and Treasurer of State allowed to draw several appropriations made for their offices. Emergency.

SEC. 44. That there being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage.

CHAPTER II.

AN ACT making specific appropriations for the year one thousand eight hundred and seventy-five.

[APPROVED, March 16, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Samuel W. Holmes, Clerk, and Thomas C. Mays, Assistant Clerk, be each allowed the sum of thirty dollars for indexing, reading proof, and preparing for distribution the Journal of the present special session.

Samuel Holmes and Thomas C. Mays.

SEC. 2. That J. J. Bingham be allowed the sum of fifteen hundred dollars for one hundred copies of Gavin & Hord's Statutes, furnished the House of Representatives.

J. J. Bingham.

SEC. 3. That there be allowed the Institution for the Education of the Deaf and Dumb the sum of three thousand dollars for sewerage purposes.

Deaf and Dumb Asylum.

SEC. 4. That Henry Coleman be allowed the sum of ten dollars for washing towels for the session of 1873.

Henry Coleman.

SEC. 5. That the sum of four hundred dollars be allowed to pay the funeral expenses of Milton B. Hopkins, late Superintendent of Public Instruction.

Milton B. Hopkins, late Supt. Pub. Inst., for funeral expenses.

Widow of Mil-
ton B. Hopkins,
late Supt. Pub.
Inst.

SEC. 6. That the widow of Milton B. Hopkins, late Superintendent of Public Instruction, be allowed the sum of two thousand dollars for incidental expenses of the office for the years 1871 and 1872.

Nicholas
Shearer.

SEC. 7. That Nicholas Shearer be allowed the sum of nineteen hundred and fifty dollars for work and damage in the construction of a ditch.

Sh.
Leander Farr.

SEC. 8. That Leander Farr be allowed the sum of thirty-six dollars and thirty cents for attendance before the Committee on Arbitrary Arrests at the session of the State Legislature of 1863.

John Richard-
son.

SEC. 9. That John Richardson be allowed the sum of fifty-eight dollars for services as a soldier discharged without any pay.

Braden & Bur-
ford.

SEC. 10. That Braden & Burford be allowed for stationery furnished James DeSanno, State Librarian, in the year 1872, such sum as the Governor, Auditor and Secretary of State shall, after a full examination into the matter, certify to be due them. Such sum in no case to exceed the sum of thirteen hundred and forty-eight dollars.

A. E. S. Long.

SEC. 11. That A. E. S. Long be allowed the sum of two hundred and thirty-five dollars for money paid the Treasurer of Jackson county for 80 acres of land for which he could get no valid title.

State Normal
School.

SEC. 12. That there be allowed the State Normal School the sum of ten thousand dollars for the purpose of completing the building and for building a fence.

James O. Ives.

SEC. 13. That James O. Ives be allowed the sum of one thousand dollars for rent of Committee rooms at the Bates House.

Ind. Hospital
for the Insane,
for repairs for
1875 and 1876.

SEC. 14. That there be allowed the Indiana Hospital for the Insane, for the year one thousand eight hundred and seventy-five, the sum of eight thousand dollars for repairs, and a like sum for the year one thousand eight hundred and seventy-six.

Patrick Shan-
non.

SEC. 15. That Patrick Shannon be allowed the sum of twenty-five hundred dollars in full for salary and contingent expenses of the office of Agent of State for the years 1871, 1872 and 1873; *Provided*, That this allowance shall not be paid until the Attorney General has filed with the Auditor of State his official statement that he had carefully examined the law and the facts in this case, and has found the State justly and equitably owing the aforesaid sum to the said Patrick Shannon.

Cash, Cones &
Co.

SEC. 16. That Cash, Cones & Co. be allowed the sum of twenty-five dollars for ten paper binders and twenty boxes of clasps.

SEC. 17. That Speigel, Thoms & Co. be allowed the sum of twenty-eight dollars and fifty cents for one desk, stool and office table furnished the House of Representatives. Speigel, Thoms & Co.

SEC. 18. That Samuel Conn be allowed the sum of fifty dollars for money paid the Treasurer of Pulaski county for land for which he received no title. Samuel Conn.

SEC. 19. That Braden & Burford be allowed the sum of one hundred and twenty-five dollars for stationery, etc., for the use of the clerks of the House and Committee rooms. Braden & Burford.

SEC. 20. That Daniel Keely be allowed the sum of five hundred dollars in full for services of his "Martial Band" during the late war. Daniel Keely.

SEC. 21. That there be allowed the following members of Committee on Education, the sum of ten dollars each, for visiting the State Normal School, Purdue University and the State University, viz: George W. Bence, A. H. Shaffer, J. H. Anderson, James Hopkins, J. C. Ratcliffe, and R. J. Durkan, Clerk. Geo. W. Bence, A. H. Shaffer, J. H. Anderson, James Hopkins, J. C. Ratcliffe, and R. J. Durkan.

SEC. 22. That Moses I. Lewman, be allowed the sum of seventy dollars for money paid fireman in the House of Representatives. Moses I. Lewman.

SEC. 23. That there be allowed the following members of the Special Committee on the Hospital for the Insane the sum of five dollars, each: G. W. Bence, C. E. Crane, and Martin A. Reeder. G. W. Bence, E. Crane and Martin A. Reeder.

SEC. 24. That Reuben Daily be allowed the sum of fifteen dollars for services rendered as Stenographer to the Committee on State Prisons. Reuben Daily

SEC. 25. That there be allowed John Griesel the sum of fifty dollars, for money paid for Swamp Lands which had previously been entered by another party. John Griesel.

SEC. 26. That there be allowed James B. Smith the sum of four thousand three hundred and three dollars and eighty-five cents, for paving, with wood pavement and curbing with stone, Meridian street bordering on the Blind Asylum property in the city of Indianapolis. James B. Smith.

SEC. 27. That the Franklin Life Insurance Company be allowed the sum of one hundred and sixty dollars for rent for Senate Committee rooms during the present session. Franklin Life Insurance Co.

SEC. 28. That Speigel, Thoms & Co. be allowed the sum of one hundred and thirty-two dollars and five cents for furniture for the Senate Committee rooms. Speigel, Thoms & Co.

SEC. 29. That Indianapolis Journal Company be allowed the sum of four hundred and eighty dollars for thirty-two sets of statutes furnished the Secretary of State for the Senate committees. Indianapolis Journal Co.

- Robert I. Morrison.** SEC. 30. That Robert I. Morrison be allowed the sum of one hundred dollars for services in examining the dockets and records in the Clerk's office of Marion county under the direction of the Attorney General.
- Alex. Coquilliard.** SEC. 31. That Alexander Coquilliard be allowed the sum of fifty dollars for money paid for swamp lands which had previously been entered by other parties.
- Leonidas Sexton.** SEC. 32. That Leonidas Sexton be allowed the sum of one hundred and ninety-two dollars for assisting and advising with the Attorney General and State officers in relation to the State railroad suits.
- Aaron N. Hart.** SEC. 33. That Aaron N. Hart be allowed the sum of one hundred and fifty dollars for money paid for swamp lands previously entered by other parties.
- Wm. C. Jeffries.** SEC. 34. William C. Jeffries be allowed the sum of four hundred and ninety-six dollars and forty cents for mileage, per diem and expenses in contesting the seat of William Baxter.
- Harvey D. Scott.** SEC. 35. That Harvey D. Scott be allowed the sum of three hundred and forty-two dollars and thirty-five cents for per diem and expenses incurred as a member of the Committee on State House plans.
- M. R. Slater.** SEC. 36. That M. R. Slater be allowed the sum of three hundred and and forty-two dollars for per diem and expenses as a member of the Committee on State House plans.
- C. W. Chapman.** SEC. 37. That C. W. Chapman be allowed the sum of one hundred and fifty-four dollars and seventy cents as a member of the Committee on State House plans.
- D. C. Branham.** SEC. 38. That D. C. Branham be allowed the sum of three hundred and fifty-eight dollars for per diem and expenses as member of the Committee on State House plans.
- Edward King.** SEC. 39. That Edward King be allowed the sum of two hundred and seventy-two dollars for per diem and expenses as a member of the Committee on State House plans.
- L. D. Glazebrook.** SEC. 40. That L. D. Glazebrook be allowed the sum of four hundred and seventy dollars for per diem and expenses as a member of the Committee on State House plans.
- E. B. Martindale.** SEC. 41. That E. B. Martindale be allowed the sum of four hundred and eighty dollars rent, in full, to March 20, 1875, of the rooms used for the exhibition of the State House plans.

SEC. 42. That W. W. Curry be allowed the sum of five hundred dollars in full for services of every kind as Secretary to the Committee on State House plans and the Committee on Public Buildings, and that he shall pay out of such allowance all janitor hire and gas bills now accrued on account of said committee rooms, or to accrue by the 20th of March, 1875, and expenses of boxing rejected architects' plans now in store there. W. W. Curry.

SEC. 43. That John B. Glover be allowed the sum of five hundred dollars compensation in full for his services in closing up the affairs of the State Sinking Fund. John B. Glover.

SEC. 44. That there shall be allowed Joseph D. Evans, Mortimer H. Bennett, George W. Bennett, Wm. B. Lyons and William H. Williams, each the sum of four hundred dollars for veteran bounty belonging to them on account of assignment upon the quota of the city of Indianapolis during the late war, and paid by the city to the Adjutant General and by him deposited in the State Treasury for the benefit of themselves or their heirs; *Provided*, That the Auditor of State require their attorney to file his sworn statement that the claims now filed are genuine, and filed in good faith by the parties to whom the money belongs and for their own use and benefit. Joseph D. Evans, M. H. Bennett, Geo. W. Bennett, Wm. B. Lyons and Wm. H. Williams.

SEC. 45. That Samuel S. St. Clair be allowed the sum of two hundred and forty dollars, for money he was compelled to pay to make good his ownership in land, held under a claim of title beginning with a swamp land sale and conveyance by the State, on account of the land having been patented to a purchaser, by the United States, previous to the sale by the State. Samuel S. St. Clair.

SEC. 46. That John Overmyer, Secretary, and William H. Smith, Assistant Secretary of the Senate, be each allowed the sum of thirty dollars for indexing, reading proof and preparing Senate Journal of the present Special Session for distribution. John Overmyer and William H. Smith.

SEC. 47. That Leonidas Sexton be allowed the sum of seventy-two dollars for per diem and expenses as a member of the Committee on State House Plans. Leonidas Sexton.

SEC. 48. That W. W. Mitchell, Chief Engrossing Clerk of the Senate, be allowed the sum of sixty-five dollars for extra assistance employed by him during the last week of the session, in order to keep up the business of the session. W. W. Mitchell.

SEC. 49. That the Deputy Warden of the State Prison North, be allowed the sum of two hundred dollars additional compensation for the year 1875, and the same amount for the year 1876. Deputy Warden State Prison North.

Deputy Warden
State Prison
South.

SEC. 50. That the Deputy Warden of the State Prison South, be allowed the sum of two hundred dollars, additional compensation for the year 1875, and the same amount for the year 1876.

Members of
Senate and
House Com-
mittees on
Prisons.

SEC. 51. That the members of the Senate and House Committees on Prisons be allowed for actual expenses (as certified to by themselves) incurred in visiting and inspecting the State Prisons, North and South, each the following sums: J. H. Winterbotham, thirty-four dollars and fifty cents; S. M. Stockslager, forty-two dollars and fifty cents; Isaac Underwood, thirty-five dollars; J. H. Friedley, fifty dollars; W. I. Howard, fifty dollars; F. C. Johnson of Floyd, forty-four dollars; William Baxter, ten dollars; John S. Roe, ten dollars; James F. Harney, sixteen dollars; James F. Johnston, sixteen dollars; P. C. Cardwell, sixteen dollars; M. Heller, fifty dollars; I. Bellows, fifty dollars; D. R. Leeper, fifty dollars; E. B. Glasgow, thirty-four dollars and fifty cents; A. H. Shaffer, thirty-four dollars and fifty cents; John S. Davis, twelve dollars; Evans, thirty-four dollars and fifty cents; C. E. Crane, thirty-four dollars and fifty cents.

Members of
Joint Commit-
tees on Public
Buildings.

SEC. 52. That there be allowed the members of the Joint Committee on Public Buildings, the following amounts, as expenses incurred in visiting and inspecting State buildings and institutions: Oliver, fifty dollars; Slater, twenty dollars; Hopkins, thirty dollars; Gilbert, ten dollars.

M. L. Brett.

SEC. 53. That there be allowed the sum of thirteen hundred and sixty dollars to M. L. Brett, for money stolen from the State Treasurer's office during his term of office, and which was paid by him to the State, and was afterwards returned to Nathan Kimball, then Treasurer of State, and now appears on the Auditor and Treasurer of State's books, as the conscience fund.

J. J. Palmer.

SEC. 54. That J. J. Palmer be allowed the sum of thirty-three hundred and ninety-one dollars and seventy-one cents, for paving with wood and curbing with stone Tennessee street bordering on the State House grounds, and grading and filling State House grounds.

Centennial
Exposition at
Philadelphia.

SEC. 55. For the purpose of paying the expenses of collecting, forwarding and arranging and securing the safety of the specimens of the manufacturing, chemical and mechanical industries of this State, and also of the coals, ores, clays, woods, stones, agricultural, horticultural and floral and other products of this State to the Centennial Exhibition at Philadelphia in the year 1876, the sum of five thousand dollars is appropriated, the same to be expended under the direction and advice of the Governor, and with the assistance of the State Geologist.

SEC. 56. To Martin A. Reeder for carpenter work on Reformatory Institution for Boys, two thousand seven hundred and seventy-six dollars.

Martin A.
Reeder.

SEC. 57. The further sum of twenty thousand dollars is hereby appropriated, to be expended in the construction of additional cell room, or cell house, in the State Prison North, in the year eighteen hundred and seventy five; and the further sum of twenty thousand dollars additional is hereby appropriated for the same purpose, to be expended in the year 1876.

State Prison
North.

SEC. 58. That the sum of twenty thousand dollars be allowed the State Prison South, for the purpose of paying off its indebtedness, of which the sum of five thousand dollars shall not be drawn from the Treasury until the fifteenth day of December, 1875.

State Prison
South.

SEC. 59. Whereas an emergency exists for the immediate taking effect of this act, therefore, the same shall be in force from and after its passage.

Emergency.

CHAPTER III.

AN ACT appropriating Twenty-five Thousand Dollars to defray the expenses of the Special Session of the General Assembly of the State of Indiana for the year 1875.

[APPROVED MARCH 12, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That twenty-five thousand dollars be, and the same is hereby appropriated to defray the expenses of the present Special Session of the General Assembly; *Provided*, If any part of amount thus appropriated shall remain after the expenses of the present special session are paid, the amount so remaining shall at once revert to the general fund.

\$25,000 appropriated to defray expenses of special session of General Assembly 1875.

SEC. 2. It shall be the duty of the Auditor of the State to audit the accounts, and issue his warrants upon the Treasurer of State for the per diem of Senators and Representatives, as allowed by law, and also, such allowances as may be provided by either House or Senate, by resolution, upon the certificate, in case of Senators, of the President of the Senate, and in case of Representatives, upon the certificate of the Speaker of the House, setting forth the time served and allowance to which such Senator or Representative may be entitled.

Per diem of members and allowances, how paid.

Per diem of officers et al. of General Assembly, how paid.

SEC. 3. It shall be the duty of the Auditor to audit the accounts and issue his warrants upon the Treasurer of State for the per diem of the officers of the Senate and House of Representatives, and their assistants, and their appointees, including Clerks and other assistants to Committees, if any there be.

The pay of officers and appointees shall be as provided by the law now in force on that subject.

Emergency.

SEC. 4. No appropriation having been made for the purpose herein set forth, it is declared that an emergency exists for the immediate taking effect of this act, therefore, the same shall take effect and be in force from and after its passage.

CHAPTER IV.

AN ACT to amend section seventeen of an act entitled "An act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6th, 1852.

[APPROVED MARCH 13, 1875.]

Sec. 17 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section seventeen of an act entitled "An act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6th, 1852, be and the same is hereby amended so as to read as follows, to-wit: Section 17. The prosecuting witness, if an adult, may, at any time before final judgment, dismiss such suit, if she will first enter of record an admission that provision for the maintenance of the child has been made to her satisfaction, and if such witness be a minor, she may dismiss such suit, if it be first shown to the satisfaction of the court, in which the same is pending, that suitable provision has been made and properly secured for the maintenance of the child, and a finding of the court to that effect entered of record; and such entry, in either case, shall be a bar to all other prosecutions for the same cause and purpose.

In prosecution in case of bastardy, on provision being made for maintenance of child, prosecution to be dismissed, &c.

Entry in such case shall be a bar to other prosecution.

CHAPTER V.

AN ACT in relation to the laying out, opening, widening, altering and vacation of streets, alleys and highways, and for straightening or altering of water courses by the cities of this State, and providing for the appointment of commissioners to assess benefits and damages, prescribing their duties and the method of procedure, and providing for the collection of benefits and payment of damages, and prescribing the duties of city officers in relation thereto, and providing remedies in such matters.

[APPROVED MARCH 17, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be appointed, once in each year, by the Civil Circuit Court in the county wherein is situated any city of this State incorporated under the general act for the incorporation of cities, five freeholders, residents of said city, who shall constitute a body to be called City Commissioners, and whose duty it shall be to hear and determine all matters appertaining to the acquisition, opening, laying out, altering and straightening of streets, alleys and highways within said city, and also to hear and determine all matters appertaining to the altering or straightening of streams within said city, and the taking of lands for sewerage purposes; such Commissioners shall serve for one year and until their successors are elected and qualified, and before entering upon the duties of their appointment, shall take an oath to faithfully and impartially discharge their duties as Commissioners, which oath shall be endorsed upon their certificate of appointment. The City Clerk shall, within three days after such appointment, issue to each commissioner a certificate of his appointment.

City commissioners shall be appointed in counties having incorporated city therein.

Duties of such commissioners.

Term of office of such commissioners.

Such commissioners shall take oath, &c. City clerk shall issue to commissioners certificate of appointment.

SEC. 2. Said Commissioners shall meet upon the request of the Common Council, and it is made the duty of the City Clerk to notify each of them of such request, and to designate therein the time and place of meeting, which notice shall be served by the City Marshal at least fifteen days prior to the time designated, either by reading or by leaving a copy at the usual place of residence of the Commissioners. The Clerk shall, also, issue written notice to the persons whose lands are proposed to be appropriated, and to those whose property it is proposed to benefit or damage, and against whom or in favor of whom any assessment may be made. If such persons reside within the county where said city is situated, notice shall be served

Commissioners shall meet on request of common council, and city clerk shall notify them of such request and such notice, how served, &c.

Clerk shall give notice to persons whose lands are proposed to be appropriated, and such notice how served.

Notice by publication, in what cases to be so given.

Marshal shall make return of such service.

Clerk shall obtain proof of publication.

What notice, to be given by Clerk, shall state.

Party appearing before Commissioners shall not thereafter be permitted to aver defect or want of notice. Marshal shall serve notices and subpoenas. Such Commissioners shall meet and determine what matters, and their powers while in session, etc.

Such Commissioners shall estimate damages and benefits to property, how, etc.

upon them, either by reading or by leaving a copy thereof at their last and usual place of residence. In case the land owner be unknown, or be not a resident of the county, or his residence be unknown, then notice shall be made by publication once in each week, in a newspaper, of general circulation, published in said city, for three successive weeks. It shall be the duty of the Marshal to make due return of service of such notice to the City Clerk, and the City Clerk shall obtain proof of publication as provided by law, and shall carefully file and preserve such proof, as he shall also the notice returned by the Marshal. The last publication of notice must be made at least fifteen days prior to the time designated for the meeting. The notice to be issued by the Clerk shall state, generally, the character of the proposed change, alteration or improvement, but need not describe the proposed change or improvement particularly, and need not describe the property to be affected, but if it be sufficient to inform the person of the general nature or character of the improvement, or change, or of the general direction and character of the proposed route or line of the proposed street, alley, or highway, or water course to be laid out, changed or improved, it shall be valid and effectual. If an interested person shall appear before the Commissioners, he shall not thereafter be permitted to aver either a defect or want of notice. It shall be the duty of the Marshal to serve all notices and all subpoenas issued by the City Clerk or the Commissioners.

SEC. 3. Said Commissioners, or a majority of them, shall meet at the time and place designated, and shall proceed to hear and determine all matters concerning the laying out of the streets, alleys, or highways, or water course mentioned in the notice issued to them. They shall have power to administer oaths, to hear evidence, and to examine witnesses, to adjourn from time to time. They shall also have power to issue subpoenas for witnesses, and require the Marshal to serve the same, and shall have power to require the City Engineer to render them such assistance as they may require. A majority of such commissioners may act, determine and make valid and effectual reports, and they shall have power to attach and punish, by fine, witnesses who fail to appear when properly subpoenaed.

SEC. 4. It shall be their duty to examine the property sought to be appropriated, and to estimate its value, and they shall also view the real estate in the vicinity thereof, and estimate both the injuries and benefits thereto; in assessing and awarding damages and benefits, they shall not be confined to real estate upon or along the line of the proposed change or improvement, but shall estimate benefits and damages to all real estate injuriously or beneficially

affected. They shall also consider and determine what part, if any, of the expense of such change or improvement ought to be paid out of the general fund of the city. They shall assess upon each lot of land belonging to the same person, the damages alone thereto, and shall also assess all benefits which may accrue to the real estate in the vicinity, and which may be beneficially affected, and shall also assess the value of real estate actually appropriated, and the benefits resulting to the part, if any there be, of any lot or parcel of land not taken, as well as to other real estate benefitted, but of which no part is taken.

SEC. 5. The said Commissioners shall, within ten days after they have concluded their investigation, file in the office of the City Clerk a written report wherein they shall report upon the following matters, to-wit:

Said Commissioners shall file report in the office of City Clerk.

First. The value of the property to be appropriated, describing it, and if the name of the owner be known, giving it, and if unknown, stating that the owner's name is unknown.

What such report shall show.

Second. The damages to property, if any there be, in cases where no part thereof is taken.

Third. The benefits to real estate beneficially affected by said change or improvement, describing the real estate, stating the owners name, if known, and if unknown, showing it to be unknown.

Fourth. The general character and direction of the proposed improvement or change, as to length, direction and width.

Fifth. The amount, if any, to be paid by the city.

SEC. 6. The character of the change or improvement shall be stated with reasonable certainty, and the real estate for which damages are awarded, and that upon which benefits are assessed, shall be described with like certainty in the report of the Commissioners; in cases where both benefits and damages shall be assessed upon the same real estate, or to the same person or persons, the benefits, if less than the damages, shall be deducted from the assessment of damages. In assessing benefits, the said Commissioners shall consider, not only the real estate through which the proposed improvement is to pass, but shall consider all such as is benefitted, and which is in the vicinage.

Character of change or improvement, and real estate upon which benefits or damages are assessed, shall be stated with reasonable certainty. Rule to be observed in the assessment of benefits and damages.

SEC. 7. In case any land owner, interested in or affected by such proceedings, shall be of unsound mind, or shall be an infant, the Commissioners shall certify the same to the proper court, and said court shall thereupon appoint a guardian for such infant or person of unsound mind, and thereupon the Commissioners shall cause five days' notice to be given each guardian, who shall thereupon appear and

Proceedings in case land owner, interested, or affected by proceedings, is of unsound mind or an infant, notice how served, etc.

In case such infant or person of unsound mind, has a guardian, notice may be served on him.
In case of defect of, or failure of notice, proceedings shall not be affected thereby except, etc.

Proceedings, upon application of person whose property has been assessed, in case such person has not had notice.

Proceedings of common council, after the filing of such report, in case it is determined to make appropriation of real estate, &c.

Common council may refer back matters reported upon, &c.

City Clerk shall deliver certified copy of said report to city treasurer, record same, &c.

Benefits assessed shall be a lien on real estate, &c.

protect the interests of his ward. In case such infant or such person of unsound mind have a guardian, duly appointed and qualified, then notice may be served upon such guardian, as provided in the second section thereof, and such notice shall be valid and effectual. If there be a defect of notice or failure of notice as to one or more interested persons, such failure or defect shall not affect such proceedings, except in so far as they may touch the interests or property of such person or persons themselves, and shall not avail any other person concerned in such proceedings. Upon the application of persons whose lands or property shall have been assessed, but who have not had notice, which they must affirmatively show, the City Clerk shall notify said Commissioners, who shall meet upon their own motion, hear and determine the claims of such persons, to whom five days notice shall be given, and report to the Council, in case they are entitled to damages which have not been assessed, the same shall be paid out of the city treasury, and in case the land shall have been assessed with benefits, and the Commissioners deem the assessment just, the original assessment shall be deemed valid and effectual, and shall be enforced as originally made.

SEC. 8. If the Common Council, within twenty-eight days after the filing of said report, shall, by a vote of two-thirds of the members thereof, determine to make the appropriation of the real estate for such improvement, they shall enact a resolution accepting said report, and requiring the City Clerk to deliver a certified copy of so much thereof as assesses benefits and damages upon real estate, and in which the real estate so assessed is described to the City Treasury. The Common Council may refer back the matters reported upon to said Commissioners, with such suggestions as they may deem proper, and the Commissioners shall meet and proceed, as provided in section twenty-three of this act.

SEC. 9. It shall be the duty of the City Clerk to deliver a certified copy of said report, as provided in the preceding section, to the City Treasurer, and to copy the entire report into the records of the Common Council, and to carefully file and preserve the original. The benefits assessed shall be a complete and valid lien upon the real estate, described as assessed, from and after the time the aforesaid resolution is adopted accepting such reports, and filing a copy thereof in the office of the Recorder of the county, and such lien shall be valid and enforceable against subsequent purchasers, and shall have priority over all other liens, except those for State taxes.

SEC. 10. The Common Council may determine to pay out of the general funds of the city the total amount of damages assessed, or any part thereof, and in case they shall be ordered and done, all benefits collected shall be paid into the treasury of the city, and shall belong to such city. In case the Common Council deem it proper to delay until such benefits are collected, they shall order the proceedings delayed until such benefits shall be collected; *Provided*, They shall not cause a delay beyond one year, except in cases where the delay is caused by appeal, injunction, or other legal proceedings.

Common Council may determine to pay out of general fund, amount of damages assessed. Benefits collected shall be paid into city treasury, &c. In case common council deem it proper to delay until benefits are collected, &c. Length of time of such delay.

SEC. 11. Within ten days after the receipt of the certified copy of the report, as provided in sections eight and nine of this act, the City Treasurer shall, in cases where the owners of the lands assessed are residents of the city, make demands of them personally, for the amount of the benefits assessed, or shall leave at their residence a written notice specifying the date of the filing of the report, and the amount of the benefit assessed, and demanding payment of the amount assessed, but said notice need not describe the real estate assessed nor the character of the improvement or change, and shall be sufficient, if it notify the person of the assessment, the date of filing and the amount assessed. In case the person or persons owning the lands should be non-residents of the city or unknown, or their residence be unknown, then the Treasurer shall publish for three weeks consecutively, in a paper of general circulation, a notice specifying therein the date of the filing of report, the description of the real estate assessed, the amount assessed, the names of the owners, if known, and if unknown stating them to be unknown. In case the persons notified personally, or by written notice left at their residence, shall fail to pay such assessments within three months thereafter, the Treasurer shall proceed to collect such assessments as hereinafter provided, and if the persons notified by publication shall fail to pay such assessment within one month, after the last publication, the City Treasurer shall proceed to collect such assessment, as herein provided. The said assessments shall be collected and enforced in the same manner as assessments for street improvements, and the provisions of the law in force at the time, upon the subject of the collection of assessments for street improvements ordered by the Common Council, shall govern the Treasurer, and he shall proceed in accordance therewith, except in this, that no precept shall be required, and that he shall proceed upon the certified copy of the report of the Commissioners; and with the further exception, that no other or further demand, than that herein provided for, shall be made. In all other matters he shall proceed in accordance

City Treasurer shall make demand of owners of lands for amount of benefits assessed or leave notice, &c.

In case persons owning lands assessed with benefits, be non residents or residence unknown, notice, how given by such treasurer.

In case such assessments are not paid, city treasurer shall proceed to collect same, when and how.

City Treasurer shall keep a record of his proceedings.

City Treasurer shall make report to common council of amount received by him on assessments. Damages, how to be paid by city treasurer. In case highway, bridge, &c., of private corporation is proposed to be appropriated, notice how to be given and served.

In case highway or bridge within city, owned by private corporation, is out of repair, etc. injury how to be estimated &c.

Appeal by party interested in lands affected by such proceedings.

Trial upon such appeal.

Such appeal shall not prevent city from proceeding with proposed appropriations. City Clerk, upon the filing of proper bond, shall make out transcript.

with the law in force at the time of receiving the report, prescribing the duties of the City Treasurer in collecting a precept issued for the collection of assessments for street improvement. It is hereby made the duty of the Treasurer to keep a proper record of all his proceedings.

SEC. 12. It shall be the duty of the City Treasurer to report to the Common Council the amount received by him upon such assessments at their regular meeting next after such receipt. He shall pay the damages only upon warrants ordered by the Common Council and drawn by the City Clerk.

SEC. 13. In case the Common Council propose to appropriate a highway, bridge, or other property, owned by a private corporation, or to assess benefits or damages upon property so owned, the Clerk shall give notice to such corporation, and the said notice shall be served upon any officer thereof residing in such city, and if there be no officer residing in the city, then upon any agent residing therein, or doing business in such city for such corporation. When a highway, or bridge, within a city, owned by a private corporation, is abandoned, or suffered to be out of repair so as to incommode, or endanger travelers, the Commissioners aforesaid are required to consider these facts in estimating the injury, if any, accruing from its use, or appropriation for public purposes by the city, and may also estimate whatsoever it may cost such city to make the bridge or highway safe and free from damage.

SEC. 14. If any person having an interest in the lands, affected by such proceedings, shall deem himself aggrieved thereby, he may appeal to any court of the county of general jurisdiction within thirty days after the confirmation of said report by the Council. In such cases the person asking the appeal must designate the court to which he appeals, and file a bond within thirty days from the confirmation of said report, conditioned for the payment of all damages and costs which may accrue by reason of such appeal, should he not prosecute such appeal to effect. Upon such appeal may be tried the regularity of the proceedings of the Commissioners, and the questions as to the amount of benefits or damages assessed, but such appeals shall not prevent such city from proceeding with the proposed appropriation, nor from making the proposed change or improvement. The City Clerk shall, upon the filing of a bond with sufficient surety conditioned as aforesaid, make a transcript of the proceedings of the Council regulating the meeting of the Commissioners, the notice to the person appealing the proceedings, and the report of the Commissioners, and the action of the Common Council thereon,

upon the second day of the term. After filing of the said transcript, and of which filing the appellant shall notify the Attorney of the city, in writing, the appellant shall, in writing, state specifically the grounds of his objection to the proceedings of the Common Council and Commissioners, and [no] other questions shall be tried or heard, except such as are with certainty to a common intent presented by the aforesaid written statement filed by such appellant. If the transcript shall show that a majority of such Commissioners were present at the meeting in which were had the proceedings appealed from, then no question shall be considered or tried concerning the request of the Common Council to the Commissioners, nor as to the character of the notice or manner of serving it upon said Commissioners. The transcript of the proceedings of the Common Council and Commissioners shall be considered as the complaint, and the written statement to be filed by the appellant, as aforesaid, shall be in the nature of an answer or demurrer. Issues of law and of fact may be formed, tried and determined as in other actions at law. The question as to whether notice was given others, or as to whether proper assessments were made in favor of or against persons other than the appellant, shall not be tried, nor shall any question be tried which does not directly affect the property or right of the person or persons, who take the appeal as aforesaid. No question shall be tried concerning the regularity of the appointment of the Commissioners, their qualifications or competency, unless the appellant, by answer duly verified, shall put such matter, in issue, but of their appointment, competency and qualification, the records of the Common Council shall be *prima facie* evidence, and it shall only be necessary for the City Clerk, in the transcript to be certified by him as aforesaid, to recite that the Commissioners were duly appointed and qualified, without in any wise setting out their appointment, qualification or competency in such transcript. If upon such appeal the report of the Commissioners, as to the benefit or damages be greatly diminished or increased, the city may, upon payment of all costs, discontinue such proceedings.

SEC. 15. If the Commissioners make a report to the Common Council, as herein provided, no injunction shall lie to restrain proceedings, unless the Common Council shall proceed to appropriate property upon which damages have been assessed, without first causing the same to be paid or tendered, but all other questions shall be raised and tried by appeal in cases where damages have been assessed, paid or tendered.

Appellant shall notify City Attorney of filing of transcript, and give written notice of grounds of his objections, &c. Questions to be tried on such appeal.

What to be considered complaint, answer and demurrer in such case.

Issues of law and fact. Questions which do not affect, directly, property or right of appellant shall not be tried.

Questions not to be tried unless put in issue by answer, duly verified, &c.

If damages be greatly diminished or increased, upon such appeal, the city on payment of cost may discontinue such proceedings.

When injunctions may be issued to restrain proceedings, &c.

Question of damages assessed to be tried on appeal.

City Treasurer shall pay or tender damages assessed. Proceedings in case such damages shall be claimed by different parties.

City attorney shall file bill of interpleader in such case.

Upon determination of such question, damages shall be paid to county clerk, &c.

Such attorney shall take receipt for such money, and deliver such receipt to city treasurer, &c.

Duty of county clerk in relation to such money.

Treasurer shall tender damages to property owners residing in city, and in case they are not known, shall give notice, &c.

In case injunction is obtained on payment or tender of damages assessed, &c., injunction shall be dissolved.

Duty of City Attorney in case injunction is obtained, &c.

Amount of damages assessed, &c., shall be drawn and paid into court, for which treasurer shall take receipt, &c.

SEC. 16. It shall be the duty of the City Treasurer to pay or tender, or caused to be paid or tendered, the damages assessed to the persons to whom assessed. Should such damages be claimed by different persons, and the Treasurer be duly notified thereof, he shall, in writing, certify that fact to the Attorney of the city, and it shall be the duty of the Attorney to file a bill of impleader in a Court of general jurisdiction of the county, making parties thereto such claimants, and he shall also pay into the hands of the County Clerk the damages aforesaid, and upon the determination of the question, the money shall be paid to the party entitled thereto, but the damages, so far as concerns such city, shall be deemed paid from the time of their payment into the hands of the County Clerk. It shall be the duty of the Attorney of the city to take a receipt from the County Clerk for the money so paid, which shall be by him delivered to the City Treasurer, who shall file and preserve the same. It shall be the duty of said County Clerk to safely keep such moneys, and if he go out of office, to hand the same over to his successor.

SEC. 17. When the owners of the property are residents of the city, the Treasurer shall tender damages to them at their places of business, or at their residence or domicile, as he may elect. When such persons are unknown or not residents of the city, or if the Treasurer, upon diligent inquiry, can not ascertain the residence or place of business of a resident of the city, he shall publish in a daily newspaper, once in each week for two successive weeks, a notice specifying the amount in the treasury to be paid as damages, and stating the real estate upon which assessed, and the readiness on his part to pay the same, such notice so published as aforesaid, if it state with reasonable certainty the amount of damages and so described the real estate upon which assessed, shall constitute a valid and effectual tender. In case an injunction is obtained because damages assessed have not been paid or tendered, the defendant may, at any time before the determination of the suit, pay or tender the damages assessed, with interest from the time the property is entered upon, seized or appropriated, and all accrued costs, and thereupon the injunction shall be dissolved. It shall be the duty of the Attorney of the city, when an injunction is obtained upon the grounds as aforesaid, to notify the City Treasurer to ascertain the amount of damages assessed and interest thereon, and costs accrued, and such amount shall be drawn from the treasury and paid into the Court from which such injunction issued. The said Treasurer shall take from the Clerk of the Court, in which such suit for injunction is pending, a receipt for the amount paid him, and from the time of such payment into

Court as aforesaid, the city shall be absolved from liability, unless there are other valid grounds for an injunction.

SEC. 18. The Common Council shall have power to vacate streets, alleys, water courses, public highways, or squares, whenever they may deem it expedient for the public interests. Whenever a petition shall be presented by three reputable freeholders, praying for the vacation of any streets, highways, alleys, or public squares, the Common Council shall refer the petition and matters appertaining thereto to the City Commissioners. The persons praying for such vacation shall serve notice by personal service or by leaving copy at the residence of persons interested, or by publication in the same manner as provided in the third section of this act, and shall show, by affidavit, due service of such notice. The said petitioners shall accompany their petition with a map or plat of the street, alley, highway, or square which they propose to have vacated, and shall, on said map or plat, show the surrounding locality, and shall also state the reasons upon which they base their petitions for vacation. All the expense of such proceedings shall be paid by said petitioners, unless the Common Council shall otherwise direct.

Common Council shall have power to vacate streets, &c.

Petition of freeholders for vacation of streets, notice thereof, affidavit, map and profile, &c.

Expense of such proceedings, by whom to be paid.

SEC. 19. The City Commissioners shall meet pursuant to such notice and shall examine witnesses, and hear evidence, and may administer oaths, and adjourn from time to time. They shall view the street, alley or highway proposed to be vacated, and shall determine what persons, if any, will be benefitted thereby, and shall assess the benefits. In case any property owner, immediately upon the line of said street, alley, highway or square, who is directly interested therein, shall object to such vacation, the City Commissioners shall report such facts to the Common Council. If the Commissioners should consider that the necessary or proper parties have not been brought before them, they may require the petitioners to notify each person or persons as they may deem entitled to notice.

Proceedings of City Commissioners upon such petition.

SEC. 20. Within ten days after their determination, such Commissioners shall file in the office of the City Clerk, who shall transmit the same to the Common Council, or report in writing, stating therein:

When Common Council may require petitioners to give notice to persons in such case.

First. The length, width and location of the street, alley, highway, or square proposed to be vacated.

Second. The value of the land upon which such street, alley, highway, or square is situated.

Third. The benefits to the persons desiring the vacation.

Fourth. The names of property owners or persons who may object to the vacation of such street, alley, highway, square, or park, and the nature of their interest therein.

Report of such Commissioners in such case.

Action of
Common Coun-
cil on such
report.

SEC. 21. The Common Council shall either refer the report back to Commissioners, or accept [or] reject the report within twenty-eight days after it is made to them. If they accept such report, they shall require the person, against whom benefits are assessed, to pay the same into the City Treasury within twenty days thereafter. The Common Council shall have no power to order such vacation when objected to by property owners adjacent thereto, or by those having a direct or substantial interest therein. No person shall have any power or right to make any private use of a street, alley, highway or square ordered to be vacated, until the benefits assessed shall have been fully and entirely paid; and unless paid within the time limited, the proceedings shall be wholly void.

Street &c.,
vacated, not to
be used for
private purpose
until benefits
assessed are
paid, and if
such benefits
are not paid,
&c. proceedings
shall be void.

City Clerk shall
keep record of
such proceed-
ings.

SEC. 22. It shall be the duty of the City Clerk to keep, in a separate book, a record of all the proceedings of the Common Council and City Commissioners concerning the opening, laying out, changing and vacation of streets, alleys and highways, and to carefully and accurately index the same; *Provided*, That the Common Council may furnish him with printed blanks.

Common Coun-
cil may refer
back report of
City Commis-
sioners, &c.

SEC. 23. The Common Council, upon examination of any report of such City Commissioners, may refer the same back to the said Commissioners for further action, and when so referred, the Common Council shall designate at what time such Commissioners shall meet to re-examine the matters, and the Commissioners shall meet upon that day, and of the action of the Common Council, and of the time of meeting, the parties interested shall take notice, without any notice whatever being served upon them. The Common Council shall have power to refer any report whatever, under any provision of this act, back to said Commissioners, and when so referred, the Commissioners shall, within ten days after the conclusion of their examination, upon such reference, make reports as herein before provided; and the Common Council shall, within twenty-eight days after the same is made, either approve or disapprove the same. The proceedings upon such second report shall be the same as that provided where the first made is accepted and approved. When a second report is made it shall be deemed final, and the Common Council must accept or reject the same within twenty-eight days after it is made to them. When any report is referred back to the Commissioners, the Common Council may make such suggestions as they may deem proper, and may also call the attention of the Commissioners to errors and defects, if any there be in such report; but such suggestions shall not be binding upon said Commissioners. Upon such reference, the Commissioners shall meet as hereinbefore provided, and all persons shall take

Action of such
Commissioners
on such report,
so referred back.

Action of Com-
mon Council on
such second
report of
Commissioners.

Such second
report of Com-
missioners shall
be final and
must either be
accepted or
rejected by
Common Coun-
cil.
In case report
is so referred
back to Com-
missioners,
Common Coun-
cil may make
suggestions,
call attention to
errors, &c.

notice thereof as herein before provided; and said Commissioners may amend or alter their said report as they may deem proper and just, and shall consider any and all suggestions made to them by the Common Council.

Such Commissioners may amend or alter the report so referred back.

SEC. 24. Whenever a street, alley, highway or water course shall have been opened or laid out, the abutters thereon may, by mutual agreement, change the same so as to give it a proper vacation [location], width or direction; *Provided*, They shall first obtain the consent of the Common Council. Before any such change shall be made, the persons interested therein shall file with the City Clerk a written agreement, and shall petition the Common Council to change or alter such street, and shall state in their petition the reasons for such change, and shall accompany the petition with a map or plat of the highway and the surrounding locality.

Change of streets, &c. which have been opened and laid out, when and how same may be done.

SEC. 25. The Common Council shall have power to pass all ordinances necessary to more effectually carry into execution the powers herein granted, and which are not inconsistent with the laws of the State, and they may also cause to be opened streets, alleys or highways which have been laid out or opened, but which have not been vacated, and they shall have power to cause all obstructions to be removed from highways, streets, alleys or water courses, when necessary for the general welfare. The Marshal of said city shall have full power to open any street, alley or highway, when directed by the Common Council, and may remove any and all obstructions therein. When any person shall, after five days' notice, fail, neglect or refuse to remove obstructions, the Marshal shall cause the same to be done at the expense of such persons, and shall cause the City Attorney to enter an action therefor, and in such action, judgment shall be rendered against such person for the reasonable expense and cost of such removal.

Power of Common Council in opening, vacating and removing obstructions from streets, &c.

Marshal of City shall open streets, &c. when ordered by Common Council.

Expense of opening &c., such streets, &c. by whom to be paid and how collected.

SEC. 26. Before any matter of the opening, laying out or altering of any street, alley, highway or water course, or of the vacation thereof, shall be referred to the City Commissioners, the Common Council shall refer the matter to an appropriate committee, who shall examine the matter, and report at the next meeting of the Common Council, upon the expediency of so referring, and if the Common Council shall determine, by a two-thirds vote, to submit the said matter to the Commissioners, it shall be so ordered, and shall thereupon be referred to said Commissioners, as hereinbefore provided; but no such matter shall be submitted unless so ordered by a two-thirds vote of such

Before matter of opening &c., of streets, &c. shall be referred to City Commissioners, the same shall be referred to committee, &c.

When such matter may be submitted to such Commissioners.

In case Commissioner is interested he shall be incompetent, &c.

Commissioners *pro tempore*.

In case street &c., is opened, laid out or vacated, plat thereof shall be made out and recorded.

Proceedings pending, &c. not extinguished nor powers of incorporated cities limited by this act.

Persons making improvements on real estate sought to be seized, &c. shall not be entitled to compensation therefor.

Proviso.

Persons laying out or dedicating streets, &c. shall make same conform to those of city, already laid out.

Common Council. In case any Commissioner shall be interested, he shall be incompetent, and in case a number are interested so great as not to leave a majority competent, the Council may appoint, at any regular meeting, Commissioners *pro tempore*. Any person interested in such proceedings, or whose property is affected, may present his objections, and if the Commissioners be found interested, a Commissioner *pro tempore* shall be appointed.

SEC. 27. When any street or alley shall have been opened or laid out, or whenever such street or alley thereof shall be vacated, a proper plat thereof shall be filed in the Recorder's office of the county in which such city is situated. In case of the opening or laying out of any street or alley, the plat shall be made by the City Engineer, and filed by the City Clerk, and in case of a vacation of any street or alley, the persons desiring such vacation shall, at their own expense, cause such plat to be made out, filed and recorded, and no order of vacation shall be deemed of effect until such plat is filed in the office of the Recorder as aforesaid.

SEC. 28. No proceedings now pending, nor any action pending, or right of action, shall be extinguished or rendered invalid by the provisions hereof, nor shall anything herein contained be construed as abridging the powers of the incorporated cities of the State as conferred by the act of incorporation, except as herein expressly provided.

SEC. 29. If any owner of real estate shall, after the service of notice and during the pendency of such proceedings, make any improvements of the real estate sought to be seized for the purpose of street, alley, highway or water course, he shall not be entitled to any compensation whatever therefor, and if any land owners shall, after service of notice and during the pending of such proceeding upon him, do any act which shall render the opening or change of a street, alley or highway, or water course more expensive, the expenses thus caused shall be deducted from any charges awarded him or his real estate; *Provided*, That nothing herein contained [shall prevent] as preventing any such owner from receiving just compensation for such improvements as may have been commenced or contracted for, prior to the service of such notice. It shall be the duty of all persons laying out or dedicating streets, alleys, highways, to make the same conform in all respects to those of the city, and when they do not so conform to streets, alleys or highways already laid out, the existence thereof shall not be deemed to benefit the real estate of such person ;

Provided, That nothing herein contained shall be considered Provido. as requiring such owner to grade or otherwise improve such highway, except as provided in the general law for the incorporation of cities.

SEC. 30. Inasmuch as an emergency exists for the Emergency. immediate taking effect of this act, it is declared to be in force from and after its passage.

CHAPTER VI.

AN ACT to amend Section two of an act entitled, "An act to secure dues from private corporations, and to extend their immunities to all citizens who may organize on the same terms," approved February 25th, 1859.

[APPROVED MARCH 13, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section two of an act entitled, "An act to secure dues from private corporations, and to extend their immunities to all citizens who may organize on the same terms," approved February 25th, 1859, be amended so as to read as follows, to-wit: Sec. 2 amended.

SEC. 2. The stockholders and members of manufacturing and mining corporations shall only be liable for the amount of the stock subscribed by them respectively, and privileges or immunities, which have been heretofore granted to such corporations, shall, upon the same terms, equally belong to all citizens who may desire to incorporate themselves for the same purpose; *Provided*, That such stockholders shall be individually liable for all debts due and owing laborers, servants, apprentices and employes for services rendered such corporation. Extent of liability of stockholders of manufacturing and mining companies.

CHAPTER VII.

AN ACT to enable and empower executors and administrators of the estates of deceased persons to enforce partition of the real estate of such decedents in certain cases, and declaring an emergency.

[APPROVED MARCH 13, 1875.]

In case it is necessary to sell property to pay debts of estate, executor or administrator may have partition of real estate before petition to sell, in case there is widow, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases wherein it is now necessary, or may hereafter become necessary, for any executor or administrator of any deceased person, to make sale of the real estate of such deceased person to pay the debts of such estate, and in which real estate the widow of such deceased person may own or be entitled to an interest, any such executor or administrator may enforce partition of such real estate before filing his petition to sell such real estate, for the purposes aforesaid, by petition to the proper Circuit Court, making such widow defendant thereto, and the notice to such widow, of the pendency of such petition, shall be the same as is now required by law in other cases of partition; and the Court shall appoint commissioners to make such partition as is now provided by law, and such commissioners shall be governed in their proceedings in all things by the acts now in force relating to partition of real estate.

Emergency.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

CHAPTER VIII.

AN ACT fixing the fees, salaries, duties and compensation of the officers and persons named therein, prohibiting the violation of its provisions, and repealing certain laws.

[APPROVED MARCH 12, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the persons and officers in this act named shall be entitled to receive for the services herein provided for, the salaries, fees and compensation allowed and set forth in this act and none other.

The fees of the Clerk of the Supreme Court shall be as follows:

Every writ or process, under seal.....	50
Copy of record, or other paper, per sheet of one hundred words, four figures counting as one word, or, if the whole number of words in such copy be less than one hundred.....	10
Entering satisfaction of record.....	10
Taking, approving and recording official bond, and all affidavits connected therewith.....	\$1 00
Entering action on docket.....	10
Administering an oath.....	05
Making complete record after judgment, per sheet of one hundred words, counting four figures as one word.....	10
Certificate and seal.....	50
Making out advertisement for non-resident defendant, including certificate and seal.....	50
For every one hundred words, four figures counting as one word, contained in any writing, required by law to be done by him, and for which there is no specific allowance.....	10
Endorsing on <i>supersedeas</i> direction to the Clerk of the inferior Court.....	25
Docketing judgment.....	10
Issuing fee bill for fees not his own.....	50

Clerk of
Supreme Court,
fees of.

AUDITOR OF STATE.

Auditor of
State, salary of,
and deputy
hire, when to
be paid.

SEC. 2. The salary of the Auditor of State shall be fifteen hundred dollars, and three thousand dollars for deputy hire per year, to be paid in quarterly installments out of the State Treasury, out of any funds not otherwise appropriated.

Secretary of
State, salary of,
and further sum
allowed for
deputy hire.

SEC. 3. There shall be allowed to the Secretary of State an annual salary of two thousand dollars, and the further sum of one thousand dollars for deputy hire, which sum shall be paid in quarterly installments out of the State Treasury, out of any funds not otherwise appropriated.

Secretary of
State, fees of.

SEC. 4. In addition to the compensation, provided for in the preceding section, the Secretary of State shall be entitled to the following fees to be paid by the person for whom the service is rendered, to-wit :

For each certificate with seal	50
For each commission to Notary Public.....	1 00
For each commission to Commissioner of Deeds and filing qualifications.....	1 50
For each attestation and seal other than herein ex- empted	50
For filing and recording each article, charter or certi- ficate of incorporation not exceeding two hundred words	1 00
For all recording and copying of records, papers and documents not otherwise provided for, per one hun- dred words, four figures counting as one word.....	10

All fees above provided for to be paid by the party for whom the services are rendered; *Provided*, That no fees shall be charged against the United States, or this or other State, or any county of this State, nor against any officer of either of them for any attestation, certificate or paper required by them for official use.

Clerks of Cir-
cuit, Superior
and Criminal
Courts, fees of.

SEC. 5. That the Clerks of the Circuit, Superior and Criminal Courts of this State shall tax and charge upon the proper books to be provided and kept in their offices for the services by them performed in said county, the fees and amounts following, to-wit :

For each writ, summons or other process, under seal, except fee bills, executions and subpœnas	50
For each subpœna, to include all witnesses of one county called for at one time.....	25
For issuing and filing each subpœna for the Grand Jury	10

For each one hundred words of copy of any record or paper when required, four figures counting as one word.....	10
And if the number of words in any copy be less than five hundred words, for such copy.....	50
For all entries in order books on complete record, when no specific fee is allowed, per one hundred words, (four figures counting as one word).....	10
And if the number of words in any copy be less than five hundred words, for such copy.....	50
For receiving and entering a verdict of a jury.....	10
For filing each paper, except in estates and guardianships.....	05
For swearing a jury.....	10
For entering satisfaction of record.....	05
For administering each oath in court, to include all persons sworn at one time.....	05
For entering satisfaction of record in the Recorder's office.....	15
For making out notice to non-resident defendant... ..	50
For marriage license, to include all affidavits, recording, certificate, filing papers, registering and indexing.....	1 25
For issuing copy of marriage license, to include certificate and seal.....	50
For recording certificate of estray.....	50
For entering defendant's appearance to action, to include all the defendants appearing at one time.....	05
For taking, approving and attesting stay of Execution, including all affidavits.....	25
For issuing fee bills for fees not his own, per one hundred words, (four figures counting as one word).....	10
For issuing execution or decree, sealing, certifying and docketing same, and recording the return.....	1 00
For filing, registering and preserving statement of insurance.....	25
For filing, recording and docketing a transcript of judgment to become a lien on real estate and entering satisfaction of same.....	1 00
For each affidavit not otherwise provided for; <i>Provided</i> , No charge shall be made for any affidavit not expressly authorized by law.....	20
For each certificate and seal, except to process and affidavits, and except as to soldiers and seamen, their widows and heirs in application for pay, bounties and pensions.....	50
For taking, approving and recording official bonds, including all affidavits.....	1 00

For attending as Clerk of the Board of Canvassers, per day	2	50
For issuing and recording declaration and naturalization of any person desiring naturalization	1	00
For issuing certificates of naturalization and affidavits of abjuration of allegiance.....	1	00
For docketing each cause on the judgment and execution docket for the first term such cause is in court..	10	
For each subsequent term.....	05	
Clerks shall tax in each civil cause, to the losing party as a part of costs of the cause, to be collected as the other costs are and paid into the county treasury, a docket fee of.....	2	00

Such clerks shall furnish, at their own expense, stationery, &c.

And such Clerks shall furnish at their own expense, all stationery and blanks required for use in their offices, respectively, excepting bound records, fee books, cash books, order books and dockets.

IN CRIMINAL PROCEEDINGS.

Fees of clerk in criminal proceedings.

For taking a recognizance.....	25
Every writ or other process... ..	50
Making record, per hundred words.....	10
Copy of record, when required, per sheet of one hundred words (four figures counting as one word).....	10
For empanneling and swearing a jury.....	25
Swearing each witness or bailiff.....	05
Receiving and entering verdict.....	10
Entering defendant's plea of guilty.....	10
All allowances made by the Court at any term shall be included in one certificate by the Clerk, and he shall be entitled for said certificate, and to be included therein, the sum of.....	1 00
Discharging a recognizance	10

In estates of \$500 and under, taken by widow, no fees allowed to clerk.

Clerk shall keep cash book, &c.

SEC. 6. In estates of five hundred dollars and under, taken by the widow, no costs or fees shall be taxed or collected.

SEC. 7. The Clerk shall keep a cash book in which he shall enter, consecutively and as received, each sum of money by him received, with the date of such receipt, with a brief mention of the cause or matter in which it was received, which shall be kept open for inspection during his continuance in office and shall be delivered to his successor in office.

Clerk shall keep register of witness and other fees.

SEC. 8. Such Clerk shall also keep a register of witness and other fees not his own, in which he shall enter, as soon as received, the names of all persons (alphabetically) for

whom money has been paid into his hands, stating plainly the name, in what cause and in which fee book and page taxed, the amount so paid, when paid into his hands, and when paid out, which book or register, shall be at all times open for inspection in some conspicuous place in his office, and he shall turn the same over to his successor in office.

SEC. 9. For attending the Criminal or Superior Courts per day and entering the record of the Court, either in person or by deputy, the Clerk shall receive two dollars, to be allowed by the Judge of said Court and paid out of the county treasury.

Clerk's fees per day, for attending Criminal or Superior Court.

SEC. 10. No fees or charges shall be made by Clerks against any estate, or the executor or administrator thereof, except as the same is in this section provided.

Fees of Clerks in estates and guardianships.

For letters of administration and recording the same, including all statements, oaths and affidavits, filing, approving and recording the bond.....	2 00
For filing and entering of record report of executor or administrator, for each one hundred words, four figures counting as one word	08
Clerks shall index in proper indexes to be provided and kept for that purpose, all records and dockets pertaining to estates, and for which service they shall receive a fee for each entry on such index of..	05
For recording all inventories, sale bills and other proceedings, required by law to be recorded, for one hundred words, four figures counting as one word.....	08
For all copies of the same, four figures counting as one word.....	08
For taking, attesting and filing each affidavit, required by law	15
For administering each oath	05
For each writ required by law	50
For proving a will and endorsing the certificate thereon.....	1 00
For proving a codicil and endorsing the certificate thereon.....	50
For giving each notice required by law..	50
For each certificate and seal.....	50
For entering each estate in the several dockets of the court.....	25
For entering the continuance of an estate, to be charged only when specially ordered by the Court...	10
For filing each paper	03
For every trial.....	25

No fees or charges shall be made by Clerks against the estates of minors, except as below provided:

For application for letters and statement, including all affidavits, and for filing and recording the same, and for the taking, approving, acknowledging, filing and recording bond, and issuing, filing and recording letters, to include all the services connected therewith.....1 00

For each two years such guardianship is pending in the Court, the Clerk shall receive one dollar, when the assets in the hands of the guardian do not exceed one thousand dollars; and two dollars when such assets exceed that sum.

Salary of
County Audi-
tors.

Additional
allowances.

SEC. 11. The Auditor of each county shall be allowed the sum of fifteen hundred dollars per year for his services and no more, except as provided in this act. When the population of the county exceeds fifteen thousand, as shown by the last preceding census, taken by the United States, the additional sum of one hundred and twenty-five dollars, for each one thousand inhabitants of such county over fifteen thousand, shall be allowed to such Auditor, and one hundred dollars for making all reports required by law to the Auditor of State; such allowance shall be made in quarterly installments by the Board of County Commissioners during their regular sessions in March, June, September and December, and paid out of any county revenue of such county not otherwise appropriated; but payment shall not be made in advance of services rendered.

Fees of County
Auditors.

SEC. 12. In addition to the compensation provided for in the preceding section, Auditors may charge to the person for whom such services are rendered, the following fees, to-wit:

For copies of all records, deeds and other writings, not herein provided for, for each one hundred words, (four figures counting as one word,) to be paid for by the person requiring the service.....	10
But in no case to be charged against the county.	
For writing affidavit and swearing affiant thereto.....	25
For each license, to be paid by the licensee.....	1 00
For each subpoena including all witnesses of a county, to be paid by the person ordering the same.....	50
For every entry and transfer of land for taxation, to be paid by the person requesting such transfer, for each tract or town lot.....	10
For each tax deed, to be paid by the person receiving such deed, including acknowledgment and registry.....	1 00
For taking and approving bond and recording the same, to be paid by party giving the same.....	1 00
For making certificate of tax sale including registering and recording the same, to be paid by the person receiving the same.....	50

For acknowledging and recording assignment of the same, to be paid by the person receiving the assignment 50

For services rendered by the Auditor in any matter litigated before the Board of County Commissioners, the same fees shall be taxed and collected by him as are allowed Clerks for similar services, but no fees or charges for such services shall be charged against the county or paid out of the county treasury.

Auditors shall receive one per cent. for managing the school fund of the county, and no other fee or compensation therefor.

SEC. 13. The Treasurer of each county shall be allowed the sum of one thousand dollars annually, as such officer, and no more, and the same shall be allowed by the Board of County Commissioners, in quarterly installments, at their regular session in March, June, September and December, and paid out of any moneys in the treasury belonging to the county, not otherwise appropriated.

Salary of
County Treasurers.

SEC. 14. County Treasurers shall also charge and receive, as a further compensation, at the rate of one per centum on the first one hundred thousand dollars of taxes by them collected; and on all sums collected in excess thereof, one-half of one per centum, to be paid as provided in section thirteen. They shall also receive and retain out of all delinquent taxes collected, five (5) per centum, when paid voluntarily, and without levy, and six per centum if paid after levy; and the Treasurer shall be allowed the same fees and charges for making distress and sale of goods, and chattels for the payment of taxes, as may be allowed by law to constables for making levy and sale of property on execution. Treasurers shall, for their services in going to Indianapolis and returning by the nearest route by railroad to make their semi-annual settlements with the State Treasurer, receive from the State Treasury at the rate of ten cents per mile.

Fees of County
Treasurers.

Pay for services
in making
semi-annual
settlements
with State
Treasurer.

SEC. 15. The Board of County Commissioners shall make no allowance, not specially required by this act, to any County Auditor, Clerk, Sheriff or Treasurer, either directly or indirectly, nor to any clerk, deputy, bailiff or employee of such officer, nor shall they employ or authorize the employment of any deputy, bailiff or clerk for such officer; and for a violation of the provisions of this section, each member of such Board, favoring the same, shall be guilty of a misdemeanor, and on conviction shall be fined in any sum not less than double, nor more than five times the amount of such allowance, to which may be added imprisonment in the county jail for any period not more than sixty days, and the office of such Commissioner shall be declared forfeited.

Board of County Commissioners shall make no special allowance, not required by this act, to County Auditor, Clerk, Sheriff or Treasurer, or authorize employment of deputies. &c.

Penalty for violation of provisions of this section.

SHERIFF'S FEES.

Fees of County
Sheriff.

SEC. 16. The Sheriffs of the several counties of the State shall tax and charge the following fees and none other, to-wit:

For serving a writ in a criminal cause and taking into custody.....	50
For every mile necessarily traveled in going and returning to serve process.....	10
For taking bail.....	25
For taking recognizance.....	25
Returning writ	10
For summoning a jury of twelve men, with mileage as above	1 00
For a less number.....	50
For executing a writ of possession, and mileage as above	1 00
For every person committed to jail.....	25
Discharging each prisoner from jail.....	25
For holding an inquisition and drawing it up in form and returning the same.....	1 50
For removing persons to the Insane Asylum, House of Refuge or Reformatory for Women and Girls, the same compensation as allowed for taking convicts to the State Prison, to be paid out of the county treasury.	
Serving a summons with mileage as above.....	40
Serving a subpoena with mileage as above.....	40
Selling property on execution, a commission of four per centum on the first three hundred dollars, and one per centum on any excess above that amount, but when the money is paid to him, without sale, one-half of the above commission only shall be allowed, and mileage as above.	
Taking a valuation of lands.....	50
Taking a replevin bond.....	50
Serving a <i>capias ad satisfaciendum</i>	50
Levying on property and advertising the same, with mileage as above.....	1 00
When no money is made, no other fee or reward shall be allowed on execution, except for the expenses of keeping property.	
Making a certificate of sale on execution or decree.....	1 00
For making a deed.....	1 00
Calling and empaneling a jury.....	10
Serving a writ of attachment, when property is taken, with mileage as above.....	25

For each day, after the first, in making inventory and appraisal of property, taken under writ of attachment.....2 00

Returning same..... 25

For the actual number of miles necessarily traveled in going and returning to post up notices for the sale of any real or personal property, to be taxed and collected as the other costs in the cause are taxed, for each mile so traveled..... 10

For taking each convict to State Prison, per mile, going and returning, by the nearest route by railroad..... 15

And for each additional convict taken at the same time, the actual expenses of additional convict shall be paid out of the State treasury on certificate of the Warden of the prison. Sheriffs shall not be entitled to any fees for services performed by their bailiffs, when such bailiffs are receiving pay by the day from the county at the time such services are rendered. The Sheriff shall appoint, as many bailiffs at each term of the court as the business of the court and Grand Jury shall require, under the advice and consent of the Judge of the Court, as to number required; *Provided*, That if the Sheriff does not attend upon the court in person, the Court may appoint one bailiff to attend in the court room during term time.

When Sheriff shall not receive fees for bailiffs.

Sheriff shall appoint what number of bailiffs.

Paying court bailiffs.....2 00

And riding bailiffs.....3 00

The fees taxed, on any process served by bailiff, shall be collected and paid into the county treasury, and shall belong to the county.

For postage paid on letters received from or directed to the Clerk of the Supreme Court, enclosing process, issued by said Court, the amount thereof to be returned as an item of charge. Postage

For boarding each prisoner lawfully in his charge, per day 60

Boarding prisoners.

To be paid out of the County Treasury.

In criminal cases, not provided for, the like fees as for services in civil cases shall be allowed.

For collecting fee bills, except for his own fees, six per cent. on the amount collected. Fees for collecting fee bills.

For taking a prisoner to another county, the same compensation as allowed for taking a prisoner to the State's Prison, to be paid by the county requiring the service. Fees for taking prisoners to other County or States Prison.

For each commitment or discharge of a prisoner, under the authority of any city or incorporated town, to be paid by such city or town..... 25

In what cases
Board of County
Commissioners
may make
Special allow-
ance to Sheriff,
and how made,
&c.

Citizens may
resist such
allowance.

Per diem for
attending
court.

Legal advertis-
ing by County
Officers, cost of
and how paid.

In all cases where the Sheriff shall perform any service for the county required by law to be performed by him, and there is no provision for its payment, the Board of County Commissioners shall allow and pay such Sheriff the same compensation as is allowed by law for similar services, but the Sheriff shall make out an itemized statement of all such service performed for such county, before such allowance is made; but such allowance shall not be made, unless such statement shall be filed with the Board, ten (10) days before the Commissioners' Court meets, and any citizen may resist the allowance of said account.

For attending court in person or by deputy, for each actual day's attendance.....2 00

SEC. 17. Legal advertising growing out of any duty of the Sheriff, Clerk, Treasurer, Auditor, Executors, Administrators, Guardians, Trustees and Assignees, (except the printing of the delinquent tax list,) shall be by such officer charged up, collected and paid over to the printer. And when such printing is done for the county, the Board of County Commissioners shall allow the same, and pay it out of the county treasury, according to the rate herein fixed. The compensation for such printer, for such advertising, shall be as herein set forth, to-wit:

For each advertisement, per square of two hundred and fifty ems, first insertion.....1 00

For each additional insertion..... 50

And in case such officers shall be unable to procure such advertisement, for the price fixed herein, it shall be sufficient for him to post up written or printed notices, as the law requires, and such advertisement in a newspaper shall be dispensed with.

RECORDER'S FEES.

Fees of County
Recorder.

SEC. 18. The fees of County Recorders shall be as follows, to-wit:

For recording deeds and mortgages and the acknowledgments thereto, and indexing the same.....1 25

For certificates, not under seal, and taking acknowledgment of deeds and mortgages 25

For each certificate and seal..... 50

For recording all other instruments, and giving certified copies of any record, per each one hundred words ... 10

For recording town plat, the first one hundred lots or under3 00

For each additional lot..... 01

For issuing fee bills for fees not his own, sealing and certifying the same..... 50

SEC. 19. It shall be the duty of every Recorder in the several counties of this State, at the expiration of his term of office, to deliver over to his successor in office, all deeds, mortgages and other instruments in his hands, left for record, whether the fees for recording the same have been paid or not; and it shall be the duty of all ex-Recorders, who have withdrawn such deeds, mortgages or other instruments from the Recorder's office, to deliver the same to his successor in office, or to the Recorder of said county where such deeds, mortgages or other instruments shall be at all times kept, until paid for, and withdrawn by the parties entitled thereto; but such retiring Recorder may have the fee bills delivered to him for any such deeds, mortgages or other instruments on which he has fees for recording the same remaining unpaid, and the acting Recorder may demand his fees in advance, and before entering and recording any such deeds, mortgages or other instruments.

Recorder shall deliver to successor, deeds, mortgages.

Ex-Recorders shall deliver to their successors, deeds, &c. withdrawn.

Fee Bills, &c.

Fees in advance.

SEC. 20. In cases where Recorders, Clerks, Auditors, or other public officers have recorded any deed, mortgage or other instrument in a printed record or book, the same, in all such cases, are hereby legalized, and County Recorders are prohibited from using such printed forms for record books in which to record any instrument, after such printed records, as may now be on hand, and in use, belonging to the county, are filled.

Deeds, &c. recorded in printed record, legalized, but use of printed forms prohibited in the future, except, &c.

COUNTY SURVEYOR'S FEES.

SEC. 21. The County Surveyor's fees shall be as follows, to-wit:

County Surveyor's fees.

For every corner by him located or perpetuated.....	1 00
For every line run in dividing or running up sections or parts of sections, per mile.....	1 00
For going to and returning from a survey, for each mile necessarily traveled.....	05
Surveying a town lot.....	2 00
Every additional lot at one time.....	1 00
Running a division line, one mile or under.....	1 00
For every survey by him, plainly bounded, as the law directs, and for each plat of such survey, after the delivery of such plat, where the survey shall not exceed four hundred acres	5 00
For every one hundred acres of land or less, contained in one survey, above four hundred acres.....	1 00
Surveying one acre of land or less.....	1 50
Services in locating roads by authority of law, per day	2 50

And for every mile necessarily traveled.....	05
Copy of plat of land or certificate of survey.....	1 00
Making out a complete report of survey made of any road, including field notes.....	1 00
If such survey exceed five miles.....	2 00
In all surveys, made by authority of the Board of County Commissioners or Township Trustees, chain- men and axmen shall receive per day.....	1 50

COUNTY COMMISSIONER'S FEES.

County Com-
missioner's
fees.

SEC. 22. The County Commissioners' fees shall be as follows, to-wit :

For each days' attendance as a member of the County Board or Board of Equalization, each Commissioner shall receive.....4 00

ROAD VIEWERS' FEES.

Road Viewer's
fees.

SEC. 23. Viewers and Re-Viewers of Roads shall receive fees as follows, to-wit :

For each day engaged in viewing or re-viewing a road, by order of the County Board.....1 50

CIRCUIT, AND CRIMINAL CIRCUIT COURT PROSECUTING ATTORNEY'S FEES.

Prosecuting
Attorney's fees.

SEC. 23½. The Circuit and Criminal Circuit Prosecuting Attorneys' fees shall be as follows, to-wit :

For docket fee on plea of guilty in felony.....7 00
 Docket fee on plea of misdemeanor.....5 00
 Docket fee before a Justice of the Peace, on a plea of guilty, or on conviction.....5 00
 Docket fee in divorce case, when successfully resisted, and to be taxed as cost and paid by the losing party.....5 00
 Docket fee upon forfeited recognizance.....10 00
 And when he prosecutes to final judgment against the defendant, ten (10) per cent. on money collected.
 Docket fee on plea of not guilty in felonies.....10 00
 Docket fee on plea of not guilty in misdemeanors.....7 00
 In all other cases where the Circuit, Criminal Circuit Court, Prosecuting Attorney is required to prosecute or defend, the fee shall be.....10 00

JUSTICES' FEES.

SEC. 24. The fees of Justices of the Peace shall be as follows, to-wit: Fees of Justices
of the Peace.

For each summons or capias	25
For every examination on a criminal information on oath	50
Swearing each witness	05
Every warrant in a criminal cause	25
Every trial, on complaint for unlawful detention of lands or tenements.....	1 00
Issuing every attachment for contempt.....	25
Taking acknowledgment of a deed or power of attorney	25
Order for removing pauper from county	50
Certifying description of a boat adrift or an estray... ..	35
Warrant of certificate of appraisement	25
Taking and certifying depositions	25
And for each one hundred words therein.....	10
For each process, required by law and not herein enumerated	25
For every writing or record not herein provided for, every one hundred words	10
Every trial on default.....	25
Every trial, where defence is made.....	1 00
For each additional day occupied in trial, after the first	1 00
For certifying copies of all proceedings, for each one hundred words	10
Entering continuances.....	10
Every Bond or recognizance.....	25
Every Venire for summoning a jury.....	25
Subpœnas for witnesses, to include all called for at one time	25
Each transfer, assignment or docket of judgment....	25
Issuing Execution.....	25
Each oath not herein otherwise provided.....	05
Rendering every final judgment.....	25
Trial of right of property and judgment.....	1 00
Swearing jury.....	10
Making up docket, for every one hundred words.....	10
Each writ of attachment against property	25
Making return of fines, for each mile necessarily traveled, to be paid out of the county treasury.....	10
Transmitting papers in case of appeal.....	25
Writing an Affidavit	25

JURORS' FEES.

Juror's fees.

SEC. 25. Fees of jurors in the Circuit, Superior and Criminal Courts of this State shall be, per day, while in actual attendance2 00
 And for each mile necessarily traveled in going and returning 05
 For each days' attendance before a Justice of the Peace 75
 And for each mile necessarily traveled..... 05

CONSTABLES' FEES.

Constable's fees.

SEC. 26. Constables shall receive fees as follows, to wit :

For serving a summons or warrant on each person named therein.....	25
For every mile traveled in going and returning to serve process or subpoena.....	05
When two or more are named in such process, mileage shall be allowed for the distance necessarily traveled	05
For copy of the process left at residence of defendant..	25
Serving subpoena for each person therein named.....	20
Returning each writ.....	10
Bail bond.....	25
Serving execution and mileage, as above.....	25
Commitment to prison.....	25
Sale of goods, when the value of goods does not exceed six dollars.....	25
On all sums above five dollars, five per centum, on all moneys collected on execution without sale, one-fourth of the above commission.	
Returning execution.....	10
Summoning a Jury in any case.....	50
Posting up advertisements of sale.....	30
Constables fees in criminal cases, for serving warrants on each person named therein	25
Serving subpoena.....	25
Traveling to serve process, per mile.....	05
Attending examination on trial of a person charged with a crime or misdemeanor.....	25
If more than one, an additional for each.....	25
Commitment of each person to prison.....	25
And for each mile necessarily traveled.....	05

For services not herein enumerated the same fees as in civil cases.

WITNESS FEES.

SEC. 27. Witness fees in the Circuit, Superior and Criminal Courts, shall be as follows, to wit:

Every witness attending in his own county per day.....	1 25
Every witness attending, from another county, per day.....	1 25
For each mile necessarily traveled in going and returning from Court from his residence, not to be computed beyond the limits of adjoining county	05

Witnesses fees
in Circuit and
other Courts.

SEC. 28. Witness fees before Coroner shall be as follows, to-wit:

Attending per day.....	75
And mileage for each mile necessarily traveled	05

Witnesses fees
before Coroner.

SEC. 29. The fees of Notaries Public and Commissioners of Deeds shall be as follows, to-wit:

For each certificate and seal	50
Taking depositions or other writing for each one hundred words	10
Administering an oath.....	10
For each protest.....	50
Each notice thereof.....	25
When required for each one hundred words in copying or recording such protest.....	10
Taking an acknowledgment of a deed, mortgage or power of attorney or other instrument and seal.....	25

Fees of Notary
Public's and
Commissioner
of Deeds.

SEC. 30. The fees of Coroners shall be as follows, to-wit:

Impanneling and swearing a jury and witnesses, and making and returning inquisition for the view of each body, for first day.....	5 00
For each additional day.....	2 50
And mileage for each mile necessarily traveled.....	05

Coroner's fees.

When Coroners perform the duties required of Sheriffs they shall have the same compensation allowed to Sheriffs, and be paid in the same way. Such Coroner shall have power to employ a clerk at a rate of pay not exceeding two dollars per day, to take down the evidence at any inquisition; to compel the attendance of jurors by attachment during the progress of the inquisition, and also to compel the attendance of witnesses by attachment.

Coroner may
employ clerk,
&c.

TOWNSHIP ASSESSORS' FEES.

SEC. 31. Township Assessors shall receive for each day's actual service the sum of.....2 50

Township
Assessor's fees.

TOWNSHIP TRUSTEES' FEES.

Township Trustee's fees.

SEC. 32. The fees of Township Trustees shall be as follows, to-wit:

For each actual day's service, they shall be allowed, to be paid out of the Township Fund.....2 50

But in estimating such number of days, fractions of a day, less than one-half, shall not be counted, and fractions of a day, greater than one-half, shall be counted a whole day.

No allowance shall be made or paid out of treasury to County officer for service rendered in criminal or civil cause, nor for extra service or deputy hire. Secretary, Auditor and Treasurer of State shall furnish records, books, &c. for what officers, and for General Assembly.

SEC. 33. No allowance shall be made or paid out of the County Treasury by any Judge of Court or Board of County Commissioners, for any service rendered by any county officer, in a criminal cause, nor for any service rendered in a civil cause, nor for any extra services as such officer, nor for deputy hire.

SEC. 34. The Secretary, Auditor and Treasurer of State shall furnish, at the expense of the State, the necessary records, books and stationery, for the offices of Secretary, Auditor and Treasurer of State, and for the Adjutant General and Clerk of the Supreme Court, and fuel and stationery for the use of the General Assembly.

Misdemeanor for officers to tax fees and charge for services not authorized by law, and penalty therefor.

SEC. 35. If any of the officers, named in this act, shall tax any fee, or make any charge for services not by him performed, or shall charge for such services any other fee, or any higher rate than is allowed by this act, any such officer shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five dollars, to which may be added imprisonment in the county jail for any period not exceeding one year, and any such officer offending a second or subsequent time, upon conviction of any such offence, shall forfeit the office by him held and exercised, and rendered incapable of holding any office of trust or profit for such determinate period as the court or jury trying the case may fix.

Fees of Coroner's inquests, payment of. Clerks of Courts shall post up table of fees.

SEC. 36. The fees of Coroner's inquests shall be paid out of the county treasury.

SEC. 37. The Clerks of the Supreme, Circuit, Superior and Criminal Courts, shall post up in some conspicuous place in their offices, and there keep a table of their fees, and on failure so to do, shall have no right to demand or receive any fees for services rendered by them as such clerk, during the time such tables are not so posted up.

Witness fees, when to be claimed. Clerk shall note such fees at time claimed.

SEC. 38. Witnesses shall claim their fees at such term as they attend, and not afterward; and Clerks shall note such fees at the time they are claimed, but no fees shall be allowed the Clerk for any affidavit or any other proof of such

attendance, and Sheriffs and Coroners are hereby required to indorse, upon all process directed to them, their fees at full length, and all Clerks shall, in a book to be kept for that purpose, enter all fees as the services are rendered; and the Clerk of the Supreme Court, or any inferior court of record, shall have power, while he is in office, to issue fee bills from the books aforesaid, and the records and papers on file in his office, for services rendered by himself, or for services rendered by any other person in said court, at any time after such services are rendered.

Sheriffs and Coroners shall endorse fees on process, and Clerk shall enter his fees on book.

Fee bills.

SEC. 39. No action shall be maintained on any fee bill, due to any person, so long as the party owing the same shall reside within the jurisdiction of the court issuing the same.

When action not to be maintained on fee bill.

SEC. 40. Each Circuit Court, Superior and Criminal Court, or a Judge thereof in vacation, or a Justice of the Peace, as the case may be, if a question arise concerning any bill of costs, or if the person charged therewith shall allege payment thereof, shall, upon motion of any party interested therein, and reasonable notice thereof, determine according to the rights of the parties thereto, and make orders accordingly.

Courts and Judges thereof, and Justices shall determine, in certain cases, costs and rights of parties thereto.

SEC. 41. After five years from the termination of any suit in which services have been rendered, no fee bill shall issue for such service until the party claiming the same shall give five days' notice in writing to the party charged, to appear before the court in which the fees accrued, or the Judge thereof, in vacation, or a Master in Chancery, or a Justice of the Peace, as the case may be, and show cause against the issuing thereof, and then if no sufficient cause be shown, the Court, Judge, Master in Chancery, or Justice of the Peace, as the case may be, shall order the said fee bill to be issued.

Fee bill not to be issued after five years, until after notice, &c.

SEC. 42. Every fee bill shall be made out in words and figures, at full length, with a statement of each item in plain phraseology, and each officer may, at the foot of any of his fee bills, make out a mandate to the proper officer commanding him to collect the same, as required by law, and make due return thereof, and shall sign the same, and from the time such fee bill shall come into the hands of such collecting officer, it shall have the force and effect of an execution from the Circuit Court, and shall be treated as such, and shall operate as a lien upon the real and personal estate of the debtor, except as to the fee bills of Justices of the Peace, Constables and township officers, which shall be treated as and have the force and effect of an execution issued by a Justice of the Peace; *Provided*, No fee bill shall be so collected, unless issued in the manner above provided within six years after the services are rendered.

Fee bills, how made out and collected.

Fee bill shall have force and effect of execution, &c.

Fee bill shall not be collected after six years, &c.

Successor in office may issue fee bills for fees of his predecessor, or for fees of sheriff or constable.

SEC. 43. Any successor of such officer may issue fee bills for the fees of his predecessors in office, in the manner provided for in the foregoing section; *Provided*, Such fee bills are issued within six years after the services are rendered. Any Clerk of a Circuit Court, Superior or Criminal Court may issue the fee bills of the Sheriff, or former Sheriffs of his county, and any Justice of the Peace may issue the fee bills of a Constable or Constables of his township; *Provided*, The same is done in the manner and within the time specified in the preceding section.

Taxation of costs and fees in criminal cases.

SEC. 44. In all criminal cases where the person accused shall be acquitted, no costs shall be taxed against such person, nor against the State or county, for any services rendered in such prosecutions by any Prosecuting or District Attorney, Clerk, Sheriff, Coroner, Justice of the Peace, Constable or witness; but in all cases of conviction, such fees and costs shall be taxed and collected from the person convicted.

Clerk, Treasurer and Sheriffs shall pay over to successors money, &c.

SEC. 45. It shall be the duty of each Clerk, Sheriff and Treasurer of the several counties in this State, and all other officers receiving money in their official capacity, at the expiration of his term of office, to pay over to his successor in office, all moneys of every description, to whomsoever due, remaining in his hands at the expiration of such term, taking the receipt of such successor therefor, and such successor and his sureties shall be liable therefor on his official bond, as if the same had been originally collected by him, and any Clerk, Treasurer or Sheriff, so failing to pay over such moneys, or any successor, or Clerk, Treasurer or Sheriff, who shall fail to pay over any moneys to parties entitled to receive the same, when called on to do so, shall be deemed guilty of embezzlement and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and be imprisoned at hard labor in the State Prison not less than one, nor more than five years.

Liabilities of such successors on their bonds for such money.

Such officer failing to pay over such money to proper person, when called for, shall be deemed guilty of embezzlement, &c.

Salary of Directors of State Prisons.

SEC. 46. The Directors of the State Prison North, and State Prison South, shall each receive five hundred dollars per annum and no more.

Salary of Trustees of B. nevolut Institutions, and of the President of the Board of Trustees thereof.

SEC. 47. The Trustees of the Hospital for the Insane, the Deaf and Dumb and the Blind Asylums shall each receive three hundred dollars per annum and no more; and the President of the Board of Trustees of said Asylums shall receive five hundred dollars per annum and no more.

Any officer who shall tax or charge, or attempt to collect fees, &c., for official service, not provided by law, shall forfeit fees, &c.

SEC. 48. Any county, State or township officer, who shall tax or charge, and attempt to collect any fee or costs, or claim for official services to any person, or to the State, or county or township, other than the fee or costs provided by law, shall forfeit all the fees and costs to which he may be entitled in each cause, or matter where he shall make such over charge.

SEC. 49. If any Township Trustee shall refuse to pay any just claim or demand against any fund of said township, when the money belonging to such fund is in his hands, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than ten dollars and not exceeding fifty dollars.

Township trustee refusing to pay just claim, &c., shall be deemed guilty of misdemeanor, and penalty therefor.

SEC. 50. In no case shall money be paid out of any County Treasury for any printed blanks for the use of any county officer, except printed heads and rulings in record books and receipts given by Treasurers, and quietuses and other receipts given by Auditors, for which no fee is allowed by law, nor shall any Board of County Commissioners make any allowance to any county officer, for any printed blanks used by such officers, except for the use of the county, nor shall any Board of County Commissioners make any order for the payment of any money out of the county treasury for stationery for the use of any county officer, except for the use of the county.

For what blanks, records, &c., money may be paid out of county treasury.

For what stationery Board of County Commissioners may make allowance,

SEC. 51. An act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2d, 1855; also, an act entitled "An act to amend the ninth section of an act regulating the fees of officers and repealing former acts in relation thereto," approved June 4, 1861; also, an act entitled "An act to amend section five of an act entitled 'An act regulating the fees of officers, and repealing former acts in relation thereto,'" approved March 2d, 1855, approved March 3, 1865; also, an act entitled "An act to amend section sixteen of an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, approved April 20, 1869; also, an act entitled "An act to amend section twenty of an act entitled 'An act regulating the fees of officers, and repealing former acts in relation thereto,'" approved March 2, 1855, approved March 9, 1867; also, an act entitled "An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions," approved February 21, 1871, be, and the same are hereby repealed; *Provided*, That nothing in this act shall be so construed as to repeal an act entitled "An act regulating the fees of Clerks of Courts, Justices of the Peace, and Notaries Public, in certain cases," approved March 9th, 1867; *And provided further*, That this act shall not be so construed as to repeal an act entitled, "An act to prevent the defalcation of certain officers therein

Acts repealed.

Acts not repealed.

Clerks and Sheriffs, who have not made settlement with successor, shall be liable on indictment under act of 1871.

Act providing for increase of salaries of prosecuting attorneys of criminal circuit courts repealed.

Acts coming in conflict with provisions of this act repealed.

Act of March 8th, 1873, regulating fees of officers, &c., repealed.

Act of June 17th, 1852, regulating mileage of sheriffs in conveying convicts to State prison, and of county treasurers in making settlements with State officers and members of General Assembly, repealed. Section 107 of act providing for general system of common schools, &c., approved March 6th, 1865, repealed.

named, and to provide penalties therefor," approved March 1, 1855; *And provided further*, That in all cases where Clerks and Sheriffs have not made settlement with their successors in office, as required by the forty-ninth (49th) section of an act entitled, "An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions," approved February 21, 1871, and are liable to indictment and conviction under said section forty-nine (49) and section thirty-eight (38) of said act, such Clerks and Sheriffs shall continue and remain liable to indictment, prosecution and conviction under said sections, as though said act had not been repealed; *And provided further*, That an act entitled, "An act to increase the salaries of the Prosecuting Attorneys of the Criminal Circuit Courts, and providing for the payment of the increase out of the proper county treasuries," approved March 4, 1867, be and the same is hereby repealed; *And provided further*, That all laws and parts of laws coming in conflict with the provisions of this act are hereby repealed, but no act or part of act repealed by an act entitled, "An act regulating the fees of officers and providing penalties for its violation, repealing certain acts therein named, and prescribing certain duties to be performed by State, county and township officers, and matters properly connected therewith, and declaring an emergency," approved March 8, 1873, shall be revived by the repeal of said act; and said act is hereby repealed; *And provided further*, That an act entitled, "An act to regulate the mileage of Sheriffs in conveying convicts to the State Prison, and of County Treasurers in making deposits, and in their settlement with the Treasurer and Auditor of State, and the mileage of members of the General Assembly," approved June 17, 1852, be, and the same is hereby repealed; *Provided, further*, That section one hundred and seven of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, be, and the same is hereby repealed.

CHAPTER IX.

AN ACT to amend section three of an act entitled "An act to regulate Foreign Insurance Companies doing business in this State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith, and providing penalties for the violation of this act," approved December 21, 1865.

[APPROVED MARCH 12, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section three of an act entitled "An act to regulate Foreign Insurance Companies doing business in this State, prescribing the duties of the Agents thereof, and of the Auditor of State in connection therewith, and providing penalties for the violation of this act," approved December 21, 1865, be and the same is hereby amended to read as follows, viz:

SEC. 3. The Auditor of State shall charge and collect for the State of Indiana the sum of five dollars in each and every case for the examination of the statement and investigation of evidence of investment, and two dollars for each certificate of authority issued under the provisions of this act, to be paid by the agent or agents applying for the same, and the Auditor of State shall, on the first Tuesday in April, June, September and December of each year, make to the Treasurer of State a sworn statement of the number of statements filed in his office, and of the number of certificates issued under the provisions of this act, and of the entire receipts therefor since his last report, and shall pay over to the Treasurer, to go into the General Fund of the State, the entire amount of such receipts, less twenty-five per cent. thereon, which he may retain for his services in collecting the same.

Fees to be charged to foreign insurance companies doing business in this State, and collected by Auditor of State.

Auditor of State shall make sworn statement, to Treasurer of State, showing what.

Auditor of State shall pay over to Treasurer of State, entire amount collected of such companies, less twenty-five per cent. thereon, &c.

CHAPTER X.

AN ACT to amend sections one and two of an act entitled "An act fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery," approved December 19th, 1872, and declaring an emergency.

[APPROVED MARCH 15, 1875.]

Sec. 1 amended.

Per diem and mileage of members of General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of the above recited act be and the same is hereby amended to read as follows, to-wit: That the pay of the members of the General Assembly shall be six dollars per day while in actual attendance, or absent by leave, or on business of the General Assembly, or unable to attend from sickness, and five dollars for every twenty-five miles they may travel from their usual place of residence to the seat of government and back, by the most usually traveled route; *Provided*, That when a special session is called by the Governor to assemble on the day succeeding the expiration of a regular session, no mileage shall be allowed.

Sec. 2 amended.

Members of General Assembly shall receive no other pay than such per diem and mileage, and shall furnish their own stationery. Pay of officers of General Assembly.

SEC. 2. *Be it further enacted*, That section two of said act be and the same is hereby amended to read as follows, to-wit: The members of the General Assembly shall receive no pay other than that provided for in the preceding section of this act, and that they shall provide their own stationery without cost to the State.

SEC. 3. The pay of the following officers shall be as follows:

Secretary of the Senate, per day.....	\$6 00
Assistant Secretary of the Senate, per day.....	6 00
Reading Clerk, per day	5 00
Minute Clerk, per day.	5 00
Doorkeeper of the Senate, per day.....	6 00
Assistant Doorkeeper, Senate, per day.....	4 00
Post Master, Senate, per day.....	3 00
Sweeper, per day.....	2 50
Paper Folder, per day.....	2 50
Spittoon Cleaner, per day.....	2 50
Janitor, per day	2 50
Principal Clerk of the House, per day.....	6 00
Assistant Clerk of the House, per day.....	6 00
Engrossing and Enrolling Clerks of the House and Senate, per day.....	5 00

Principal Journal Clerk of the House, per day.....	5 00
Minute Clerk of the House, per day.....	5 00
File Clerk of the House and Senate, per day.....	5 00
Entry Clerk of the House, per day.....	5 00

SEC. 4. Whereas an emergency exists for the immediate taking effect of this act, the same shall take effect and be in force from and after its passage. Emergency.

CHAPTER XI.

AN ACT to define what shall be the salary of the Governor, the manner of paying the same, repealing all former laws upon the same subject, and fixing the time when it shall take effect.

[APPROVED MARCH 12, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be allowed to the Governor the following annual salary, to be paid out of any moneys in the treasury belonging to the general fund, and not specially otherwise appropriated by law, the sum of six thousand dollars, to be in full for all services and house rents. Salary of Governor.

SEC. 2. The salary allowed, in section one of this act, shall be paid upon the warrant, drawn by the Auditor of State, on the first days of January, April, July and October in each year; *Provided*, That if the first days of the aforesaid months, or any one of them, shall be a Sunday, then such warrant shall be drawn upon the second day of any such month. Such salary, when and how to be paid.

SEC. 3. All laws conflicting with the provisions of this act be, and the same are hereby repealed. Laws repealed

SEC. 4. This act shall take effect and become a law on, from and after the first day of the month of October eighteen hundred and seventy-six. Act, when to take effect.

CHAPTER XII.

AN ACT regulating the number of Grand Jurors, and the manner of their selection.

[APPROVED MARCH 13, 1875.]

Grand jury shall be composed of six reputable freeholders and residents. When and how such grand jury shall be selected and how long they shall serve.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That a Grand Jury shall be composed of six reputable free holders and residents of the county.

SEC. 2. The Board of Commissioners of each county shall, at their first regular session in each year, select from the names on the tax duplicate of the preceding year the names of thirty persons, possessing the qualifications required by section one of this act, ten of whom shall reside in each Commissioners' District, and shall cause the same to be written on separate slips of paper of uniform size, shape and color, and deposit the same in a box to be kept for that purpose; whereupon the Clerk of the Circuit Court, in the presence of the Board of Commissioners, after said box shall have been closed and shaken before each name is drawn out, shall proceed to draw said names, and the first two names drawn from each of the three districts shall constitute the Grand Jury of said county for the next ensuing two terms of the Circuit Court, or of the terms of the Criminal Circuit Court for the ensuing six months, commencing with the first of the month then next ensuing; whereupon thirty names shall be placed in the box and the drawing proceed as before, until six more shall in like manner be selected, who shall constitute the Grand Jury for said county from the expiration of the second ensuing term of the Circuit Court, or of the term or session of the Criminal Circuit Courts, from and after the expiration of the six months above provided for, and until another Grand Jury shall be selected.

Concurrence of five of each jury shall be necessary to find indictment. This act not to affect pending indictments.

SEC. 3. The concurrence of five of the six Grand Jurors shall be necessary to find an indictment; *Provided*, That this act shall not be construed to affect, in any way, pending indictments or indictments which may be found by any Grand Juror, [Jury] before this act takes effect, but the same shall be tried and disposed of as if this act had not been passed.

Laws repealed.

SEC. 4. All laws and parts of laws coming in conflict with any of the provisions of this act are hereby repealed.

CHAPTER XIII.

AN ACT to regulate and license the sale of spiritous, vinous and malt and other intoxicating liquors; to limit the license fee to be charged by cities and towns; prescribing penalties for intoxication and providing for the recovery of damages for injuries growing out of unlawful sales of intoxicating liquors; to repeal all former laws regulating the sale of intoxicating liquors, and all laws and parts of laws coming in conflict with the provisions of this act; prescribing penalties for the violation thereof, and declaring an emergency.

[APPROVED MARCH 17, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be unlawful for any person or persons to directly or indirectly sell, barter or give away for any purpose of gain, any spiritous, vinous or malt liquors, in less quantities than a quart at a time, without first procuring, from the Board of Commissioners of the county in which such liquor or liquors are to be sold, a license as hereinafter provided; nor shall any person, without having first procured such license, sell or barter any intoxicating liquor to be drank, or suffered to be drank in his house, out-house, yard, garden, or the appurtenances thereto belonging.

Unlawful for persons to sell, &c., intoxicating liquors in less quantities than a quart, or permit same to be drank on premises, &c., without having first procured a license.

SEC. 2. The words "intoxicating liquors" shall apply to any spiritous, vinous or malt liquors, or to any intoxicating liquors whatever, which is used or may be used as a beverage.

What liquors to be deemed intoxicating.

SEC. 3. Any male inhabitant over the age of twenty-one years, desiring to obtain license to sell intoxicating liquors, shall give notice to the citizens of the township, town, city or ward in which he desires to sell, by publishing, in a weekly newspaper in the county, a notice, stating in the notice the precise location of the premises in which he desires to sell, and the kind of liquors, whether only vinous and malt liquors, or malt liquors only, or spiritous, vinous and malt liquors, or vinous liquors only, at least twenty days before the meeting of the Board, at which the applicant intends to apply for a license; or, in case there is no such paper published in the county, then by posting up written or printed notices in three of the most public places of the township in which he desires to sell, at least twenty (20) days before the meeting of such Board.

Persons desiring to obtain license to sell intoxicating liquor, shall give notice.

Voter may remonstrate against the granting of license to sell intoxicating liquors. Board of Commissioners shall grant license to applicant, upon his giving bond, conditioned, &c., *provided*, he be a fit person, &c., and not in the habit of becoming intoxicated.

Appeal shall not estop person licensed from selling, &c.

County license fee and to whom the same shall be paid.

Cities and incorporated towns may charge license fee.

And it shall be the privilege of any voter of said township to remonstrate in writing against the granting of such license to any applicant on account of immorality or other unfitness, as is specified in this act.

SEC. 4. The Board of County Commissioners at such term shall grant a license to such applicant upon his giving bond to the State of Indiana, with at least two freehold sureties, resident within said county, to be approved by the County Auditor, in the sum of two thousand dollars, conditioned that he will keep an orderly and peaceable house, and that he will pay all fines and costs that may be assessed against him for any violations of the provisions of this act, and for the payment of all judgments for civil damages growing out of unlawful sales, as provided for in this act, which bond shall be filed with the Auditor of said county; *Provided*, Said applicant be a fit person to be entrusted with the sale of intoxicating liquor, and if he be not in the habit of becoming intoxicated; but in no case shall a license be granted to a person in the habit of becoming intoxicated; *Provided*, That no appeal taken by any person from the order of the Board granting such license shall operate to estop the person receiving such license from selling intoxicating liquor thereunder, until the close of the next term of the court in which such appeal is pending, at which such cause might be lawfully tried. And he shall not be liable as a seller without license for sales made during the pendency of such appeal, but he shall be liable for the violation of any of the provisions of this act during such time, the same as if regularly licensed.

SEC. 5. If said applicant desire to sell spiritous, vinous and malt liquors in quantities of less than a quart at a time, he shall pay the Treasurer of said county one hundred dollars, as a license fee for one year, before license shall issue to him, and if he desire to sell only vinous or malt liquors, or both, in quantities less than a quart at a time, he shall pay to the Treasurer of said county fifty dollars, as a license fee for one year, before license shall issue to him, such fee to be paid into the school fund of the county in which such licenses are obtained.

SEC. 6. No city or incorporated town shall charge any person who may obtain a license under the provisions of this act more than the following sums for license to sell within their incorporated limits: Cities may charge one hundred dollars and incorporated towns one hundred dollars, in addition to the sum provided for hereinbefore.

SEC. 7. Upon the execution of the bond as required in the fourth section of this act and the presentation of the order of the Board of Commissioners, granting him license, and the County Treasurer's receipt for fifty dollars, if the application be for vinous and malt liquors only, or a receipt for one hundred dollars, if the application be for the sale of spiritous, vinous and malt liquors as aforesaid, the County Auditor shall issue a license to the applicant for the sale of such liquors, as he applied for, in less quantities than a quart at a time, with the privilege of permitting the same to be drank on the premises as stated in the aforesaid notice, which license shall specify the name of the applicant, the place of sale, and the period of time for which such license is granted.

When County Auditor shall issue such license and what the same shall specify.

SEC. 8. No license, as herein provided, shall be granted for a greater or less time than one year.

SEC. 9. A license granted under the provisions of this act shall not authorize the person so licensed to sell or barter any intoxicating, vinous or malt liquors on Sunday, nor upon any legal holiday, nor upon the day of any State, county, township or municipal election in the township, town or city where the same may be holden, nor between the hours of 11 P. M. and 5 A. M., and upon conviction thereof he shall be deemed guilty of a misdemeanor, and be fined in any sum not less than ten, nor more than fifty dollars, and for a second conviction he shall forfeit his license, which shall be a part of the judgment of the court trying the same.

Length of time for which such license shall be granted.
Unlawful to sell intoxicating liquor on certain days and at certain times, and penalty therefor.

SEC. 10. Every person who shall directly or indirectly sell, barter, or give away any intoxicating, spiritous, vinous or malt liquors to any person who is in the habit of being intoxicated, after notice shall have been given him in writing by the wife, child, parent, brother or sister of such person, or by the trustee of the township where he resides, that such person is in the habit of being intoxicated, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than fifty dollars.

Misdemeanor to sell, barter or give intoxicating liquor to person in the habit of being intoxicated, after notice given, &c., and penalty therefor.

SEC. 11. Any person of sound mind found in any public place in a state of intoxication, shall be deemed guilty of a misdemeanor, and upon conviction, be fined in any sum not less than two dollars nor more than five dollars for each offense.

Misdemeanor for person to be found in state of intoxication, and penalty therefor.

SEC. 12. Any person not being licensed according to the provisions of this act, who shall sell or barter, directly or indirectly, any spiritous, vinous or malt liquors in a less quantity than a quart at a time, or who shall sell or barter any spiritous, vinous or malt liquors to be drank or suffered to be drank in his house, out-house, yard, garden, or the

Misdemeanor for person not licensed, to sell or barter intoxicating liquor in less quantity than a quart, and penalty therefor.

appurtenances thereto belonging, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than twenty nor more than one hundred dollars, to which the court or jury trying the cause may add imprisonment, in the county jail, of not less than thirty days nor more than six months.

Misdemeanor to sell, barter or give intoxicating liquor to minor, and penalty therefor.

SEC. 13. If any person shall sell, barter or give away, directly or indirectly, any spiritous, vinous or malt liquors, to any person under the age of twenty-one years, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten nor more than fifty dollars.

Misdemeanor for minor to misrepresent his age, &c., in order to purchase intoxicating liquor, and penalty therefor.

SEC. 14. If any person under the age of twenty-one years shall misrepresent his age and state himself to be over twenty-one years of age, in order to purchase spiritous, vinous or malt liquors, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten nor more than fifty dollars.

Misdemeanor to sell, barter or give intoxicating liquor to person in a state of intoxication, and penalty therefor.

SEC. 15. Any person who shall sell, barter, or give away any spiritous, vinous or malt liquors to any person at the time in a state of intoxication, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten nor more than fifty dollars.

Misdemeanor to adulterate or offer for sale or sell adulterated intoxicating liquor, and penalty therefor.

SEC. 16. Any person who shall adulterate, or shall sell or offer for sale any spiritous, vinous or malt liquors which have been adulterated by the admixture of any deleterious substance therewith, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars, to which the court or jury trying the same may add imprisonment, in the county jail, of not less than thirty (30) days nor more than six months.

Place, &c., where intoxicating liquors are sold, if kept in a disorderly manner, shall be deemed a common nuisance, and keeper shall forfeit license and be fined, provided, &c.

SEC. 17. Every place, house, arbor, room or shed, wherein spiritous, vinous or malt liquors are sold, bartered, or given away, or suffered to be drank, if kept in a disorderly manner, shall be deemed a common nuisance, and the keeper thereof, upon conviction, shall forfeit his license and be fined in any sum not less than ten nor more than one hundred dollars; *Provided*, That no prosecution shall be instituted or maintained against any person for any violation of the provisions of this act occurring between the time when it shall take effect and the close of the first regular session of the Board of Commissioners of the proper county, the beginning of which session not taking place in less time than four weeks after this act shall have taken effect.

SEC. 18. Criminal Circuit Courts and Circuit Courts within their respective jurisdiction shall have power to hear and determine all complaints for the violation of the provisions of this act, and the grand juries of the several courts shall have and it is hereby made their duty, to take cognizance of offences against its provisions, as in case of felonies.

Criminal and circuit courts shall have jurisdiction of complaints for violation of provisions of this act.

SEC. 19. Justices of the Peace, within their respective counties, shall have jurisdiction to try and determine all cases arising under the provisions of this act, except as provided in section 16 of this act; *Provided*, That if in the opinion of the Justice or jury trying any such case a fine of twenty-five dollars shall be an inadequate punishment for such violation, then the Justice in such case shall recognize the party in sufficient bond and surety to appear at the next term of the Criminal Circuit Court, or Circuit Court of the proper county, to answer said charge.

Justices of the peace shall have jurisdiction in what cases, and when to recognize party to appear in higher court.

SEC. 20. Every person who shall sell, barter, or give away any intoxicating liquors in violation of any of the provisions of this act, shall be personally liable, and also liable on his bond filed in the Auditor's office, as required by Section 4 of this act, to any person who shall sustain any injury or damage to their person or property, or means of support on account of the use of such intoxication liquors, so sold as aforesaid, to be enforced by appropriate action in any court of competent jurisdiction.

Person selling, bartering or giving away intoxicating liquor, in violation of provisions of this act, shall be personally liable on his bond.

SEC. 21. All former laws regulating the sale of intoxicating liquors, and all laws and parts of laws coming in conflict with any of the provisions of this act, be, and the same are hereby repealed; *Provided, however*, That nothing herein contained shall be so construed as to effect in any way suits or indictments now pending in any of the courts in this State under the provisions of any of the laws hereby repealed, and the same shall be tried and determined as though this act had not been passed.

Laws repealed.

Indictments pending, under laws hereby repealed, shall be tried and determined.

SEC. 22. It is hereby declared that an emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

Emergency.

CHAPTER XIV.

AN ACT concerning sub-marine sites for Light Houses and other aids to navigation.

[APPROVED MARCH 15, 1875.]

When United States desires to acquire title to land belonging to State, covered by navigable waters, for sight of light house, &c. Governor authorised to convey title to such lands, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever the United States desires to acquire title to land belonging to the State, and covered by the navigable waters of the United States, within the limits thereof, for the sight of a light house, beacon or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site required for one of the purposes aforesaid, then the Governor of the State is authorized and empowered to convey the title to the United States, and to cede to the said United States jurisdiction over the same; *Provided*, No single tract shall contain more than ten (10) acres, and that the State shall retain concurrent jurisdiction, so far that all process, civil or criminal, issuing under the authority of the State, may be executed by the proper officers thereof, upon any person or persons amenable to the same, within the limits of the land so ceded, in like manner and to like effect as if this act had never been passed.

Such tract shall not contain more than ten acres. Jurisdiction of State over lands so conveyed.

CHAPTER XV.

AN ACT to amend section one of an act entitled "An act authorizing the Governor, Auditor and Treasurer of State to make a temporary loan," approved March 10, 1873.

[APPROVED MARCH 12, 1875.]

Sec. 1 amended. Temporary loans, Governor, Auditor and Treasurer authorized to make, to provide for payment of loan debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one of the above named act be made to read as follows, to-wit: That for the purpose of providing for the payment of the temporary loan debt, which has heretofore been contracted for the purpose of carrying on the State Government, it shall be lawful for the Governor, Auditor and Treasurer of State to make temporary loans to make payment of such debt, as the same shall

become due, and such temporary loans shall be repaid out of the funds raised by the revenue provided for at the present session of the General Assembly, if the same shall be sufficient.

Such loans to be repaid out of what funds.

SEC. 2. Any debt created under the first section of this act, for the purpose of paying such indebtedness, shall be binding on the State of Indiana, and for the payment thereof, with the interest thereon, the faith of the State is irrevocably pledged.

Faith of State pledged to payment of such debt.

SEC. 3. Any money, so borrowed by the Governor, Auditor and Treasurer of State, shall be paid into the State treasury, and shall be drawn out on the warrant of the Auditor of State as in other cases.

Money, so borrowed, shall be paid into State Treasury, and how drawn out.

SEC. 4. There being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage.

Emergency.

CHAPTER XVI.

AN ACT to protect the manufacturers and bottlers of mineral water, ale, cider, beer and ginger pop.

[APPROVED MARCH 16, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all manufacturers and venders of mineral water, cider, beer, ginger pop and other beverages, also fermented liquors, by law allowed to be sold in bottles, upon which their names or other trade mark or marks shall be respectively impressed, may file with the Clerk of the Circuit Court of any county of this State a written description and sample of such bottle, and of the name or marks thereon, and have such description recorded in said Clerk's office, and cause a certified copy of said description to be published, for not less than two weeks successively, in a daily or weekly newspaper of general circulation published in the county where said description is recorded, or if none such is published then in any such weekly newspapers published nearest thereto.

Manufacturers and venders of Mineral Water, Ale, &c., may file description &c., of bottles, in Clerk's office, and have the same recorded and published, &c.

Unlawful for person, without consent, &c., to fill such bottles with Mineral Water, Ale, &c. and offer same for sale, &c.

Penalty.

Fines, so collected, shall be paid into School Fund.
Fee of Clerk for recording such description.

Emergency.

SEC. 2. That it is hereby declared unlawful for any person or persons, hereafter, without the consent in writing of the owner or owners thereof, to fill with ale, porter, mineral water or other beverages, any bottle or bottles marked as in this act provided, to offer for sale, or to traffic in any such bottle and not purchased by him or her of such owner or owners who have complied with the provisions of this act, and every person so offending shall be liable to a fine of one dollar for every bottle so filled or sold, or used, or disposed of, or purchased, or trafficked in for the first offence, and a fine of five dollars for every subsequent offence, to be recovered as other fines are now recovered by law, and all fines so recovered, when collected, shall be paid over to the school fund.

SEC. 3. That the County Clerk shall be entitled to receive for his services, in recording said description, a fee of one dollar.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that it shall be in force from and after its passage.

CHAPTER XVII.

AN ACT defining certain misdemeanors, and prescribing penalties therefor.

[APPROVED MARCH 13, 1875.]

Misdemeanor to draw or threaten to use pistol, knife, or other deadly weapon, and penalty therefor.

Provisions of act not to apply to persons in case of self defense, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That if any person shall draw or threaten to use any pistol, dirk, knife, slung-shot, or any other deadly or dangerous weapon upon any other person, he shall be deemed guilty of a misdemeanor, and, upon conviction therefor, shall be fined in any sum not less than one nor more than five hundred dollars, to which may be added imprisonment in the county jail not to exceed six months; *Provided,* That the provisions of this act shall not apply to persons drawing or threatening to use such dangerous or deadly weapons in defense of his person or property, or in defense of those entitled to his protection by law.

CHAPTER XVIII.

AN ACT to amend section seventy-four of an act entitled "An act defining misdemeanors and prescribing punishment therefor."

[APPROVED MARCH 15, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the seventy-fourth section of an act entitled "An act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852, be and the same is hereby amended to read as follows: Section 74. Every person who shall be the keeper or exhibitor of any gaming table, roulette, shuffle boards, faro bank, nine pin alley or billiard table, or any other gaming apparatus, for the purpose of wagering any article of value therein, shall be fined not exceeding one thousand dollars, to which may be added imprisonment not exceeding six months.

Sec. 74 amended.

Penalty for keeping gaming tables, and other gambling apparatus.

CHAPTER XIX.

AN ACT to legalize the official acts of the several Boards of Trustees of the town of North Vernon, Jennings county, Indiana, and legalize the acts of the corporation thereof, and all other officers of said corporation, under "An act for the corporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

[APPROVED MARCH 13, 1875.]

WHEREAS, The said town of North Vernon was duly and legally incorporated under and in pursuance of the above entitled act; Preamble.

AND WHEREAS, It appears at the time said town was incorporated there was a failure to make a record of said incorporation in the Recorder's office in said Jennings county, Indiana, in which said incorporation was had in the year 1867;

AND WHEREAS, Some doubts exist, as to the regularity and legality of the order of the Board of Trustees of said town of North Vernon for the assessment of taxes for school and other purposes, and to the legality of said assessment made pursuant to said order;

AND WHEREAS, Said several Boards of Trustees thereof have from time to time levied taxes, in pursuance of said act, for corporation and school purposes, and have from time to time passed ordinances regulating the grading of streets and for other needed purposes in said town, therefore,

Acts, ordinances, &c., of town of North Vernon legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all acts and parts of acts, and all ordinances concerning the grading of streets and for the government of said town, acts of incorporation legalizing the same, the assessments of property therein for taxation for school and all other purposes, as well as all the rules, by-laws and regulations heretofore made and done by the officers of said town, be and the same are hereby legalized and made valid; *And Provided further*, That said plat of said town and all ordinances of the same shall be received and admitted as competent evidence in all courts for the purpose of attesting the acts of the said several Boards of Trustees and for all purposes whatsoever for which they may be required in all courts of law.

Plat and ordinances of said town shall be competent evidence.

Emergency.

SEC. 2. An emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

CHAPTER XX.

AN ACT to amend section two hundred and sixteen of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1858, [1852.]

[APPROVED MARCH 13, 1875.]

Sec. 216 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section two hundred and sixteen of the above entitled act be amended to read as follows:

Sec. 216. The time during which the defendant is a non-resident of the State, or absent on public business, shall not be computed in any of the periods of limitation; but when a cause has been fully barred by the laws of the place where the defendant resided, such bar shall be the same defense here as though it had arisen in this State; *Provided*, That the provisions of this section shall be construed to apply only to causes of action arising without this State.

Statute of limitation, &c., when defendant is absent from State.

Provisions of act to apply only to causes arising without this State.

CHAPTER XXI.

AN ACT to amend the five hundred and seventy-fifth section of the act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," approved June 18th, 1852.

[APPROVED MARCH 13, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section five hundred and seventy-five of the above named act be amended so as to read as follows: Section 575. Whenever, on the hearing of an appeal, one of the Judges of the Supreme Court has been of counsel in the cause, or is otherwise incompetent to participate in its decision, and the remaining Judges are equally divided, the cause shall be continued to the next term, and if then the Judges shall be equally divided, the judgment shall be affirmed without costs, and in such case, each Judge shall give his written opinion of each point in the case, arising upon the record, which shall be reported among the cases decided by the Supreme Court.

Section 575 amended.

Action of Supreme Court in case appealed where one of Judges has been interested in same, &c. and where Court is equally divided, &c.

SEC. 2. There being an emergency for the speedy taking effect of this act, the same shall take effect and be in force from and after its passage and approval.

Emergency.

CHAPTER XXII.

AN ACT in relation to promissory notes, bank checks, and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance and payment of the same, and declaring an emergency.

[APPROVED MARCH 16, 1875.]

Holidays, what days shall be so considered for presentment for payment, &c., of bills of exchange, promissory notes, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following days, to-wit: The first day of the week, commonly called Sunday, the first day of January, commonly called New Years day, the fourth day of July, the twenty-fifth day of December, commonly called Christmas day, and any day appointed or recommended by the President of the United States, or the Governor of the State of Indiana, as a day of public fast or thanksgiving, shall be holidays within the State of Indiana for all purposes of presenting for payment or acceptance for the maturity and protest, and giving notice for the dishonor of bills of exchange, bank checks and promissory notes, or other negotiable or commercial paper, and all notes, drafts, checks or other negotiable or commercial paper, falling due or maturing on either of said holidays, shall be deemed as having matured on the day previous.

Such bills of exchange, notes, &c., falling due on any such holiday, shall be deemed as having matured on day previous.

CHAPTER XXIII.

AN ACT to provide for the public printing and binding.

[APPROVED MARCH 13, 1875.]

Governor, Secretary and Auditor of State shall be Commissioners of Public Printing and Binding.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor, Secretary of State and Auditor of State shall be, *ex officio*, Commissioners of the public printing and binding, and shall cause the public printing and binding to be executed in the manner provided by law.

SEC. 2. That it shall be the duty of said Commissioners as soon as may be convenient after the passage of this act, to determine the printing and binding authorized by law, and to classify the same to the best advantage, as follows: The first class shall comprise the laws, journals, reports of officers and public institutions, and all book and pamphlet work to be printed on book or pamphlet paper; the second class shall comprise all Legislative bills, commissions, letter heads, circulars, blanks, and other work usually executed on writing paper; and the third class shall comprise the folding, stitching, covering and binding, and all work belonging to the binding business. As soon as such classification shall be made it shall be the duty of said Commissioners to advertise, in not less than three nor more than five papers published in this State, for bids for furnishing the paper and executing the printing and binding of the State for two years, according to the classification they may have prepared, and upon receiving such proposals they shall let the contracts to the lowest and best responsible bidder or bidders, and said Commissioners shall, in like manner, biennially, between the first day of January and the first day of July, proceed to advertise and let contracts for the public printing and binding.

Such Commissioners shall determine printing and binding authorized by law, and divide same in three classes.

Such Commissioners shall advertise for bids for paper, printing and binding, and let contracts for same, when and to whom.

SEC. 3. That said Commissioners shall appoint some suitable person who shall be expert in the business of printing and binding, as a clerk in the office of Secretary of State, and who shall have charge of the Bureau of Public Printing and Stationery in said office, who shall be under the direction of said Commissioners, and who shall perform all the clerical duties, and shall measure, count, weigh and compute all matters and things pertaining to the public printing, binding and stationery, as such Commissioners shall order and require; said clerk shall be paid for his services as such, such reasonable compensation as said Commissioners may determine, not exceeding in the aggregate the sum of nine hundred dollars per year, out of the treasury of the State, upon the warrant of the Auditor of State, upon the allowance and by the authority of said Commissioners, in quarterly installments. And said Commissioners may, at any time, for reasons satisfactory to themselves, discharge any clerk appointed by them under the provisions of this act, and appoint his successor.

Said Commissioners shall appoint clerk, who shall have charge of Bureau of Public Printing.

Such clerk shall measure, count, &c., Public Printing, &c.

Pay of such clerk.

Such Commissioners may discharge such clerk.

SEC. 4. That the said Commissioners, in letting the public printing and binding, shall require the contractor or contractors to enter into contract with bond and securities in sufficient amount, promptly and faithfully to provide the material and execute the work proposed; and that all such

Contractor for such Public Printing shall give bond.

Material and work shall be subject to inspection of Clerk of Bureau of Public Printing, &c. Payment for public printing and binding, when and how to be made.

material and work shall be subject to the inspection of the clerk in charge of the Bureau of Public Printing and Stationery, and shall be by him accepted or rejected as the same shall, or shall not be according to contract. And the Auditor of State shall not issue his warrant for the payment of any bill or charge for public printing or binding until the clerk in charge of the Bureau of Public Printing and Stationery shall, with the approval of the Commissioners of the Public Printing and Binding, certify to the delivery of such printing or binding, and that the bill therefor is correct according to contract.

Felony for such clerk to receive per centage, &c. on account of favor shown in the discharge of his official duty, or falsely certifying, &c.

SEC. 5. That if the clerk, in charge of the Bureau of Public Printing and Stationery shall receive any percentage, fee, reward or gratuity for or on account of any favor shown in the discharge of his official duties, or shall falsely and corruptly certify any bill or allowance on account of the public printing and binding, he shall be guilty of felony, and on conviction thereof shall be confined in the State prison for any term not exceeding three years.

All printing and binding, authorized by law at the expense of the State, shall be executed through said Commissioners and Clerk.

SEC. 6. That all the printing and binding, authorized by law at the expense of the State and chargeable to the appropriations for public printing, shall be executed through the Commissioners and clerk in this act before named, and all laws, authorizing printing or binding by any officer or institution to be chargeable to said appropriation, shall be construed to mean that the printing and binding of such offices or institution shall be done through such Commissioners.

Secretary of State shall be Secretary of said Commissioners, and keep record, file copies of advertisements, &c., &c.

SEC. 7. That the Secretary of State shall be the Secretary of said Commissioners, and shall keep full records of all their proceedings and orders, and shall file copies of all advertisements, bids, and contracts, and of all requisitions authorizing inventories, schedules, deliveries, bills and allowances on that behalf, which records and files shall be opened to inspection as are other public records of this office.

Such Commissioners shall not let contracts in excess of amount appropriated. Laws repealed.

SEC. 8. That said Commissioners shall not let any contract nor bind the State to the payment of any money on account of such contract, in excess of that appropriated by law for public printing and binding.

SEC. 9. All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Emergency.

SEC. 10. An emergency is hereby declared to exist for the immediate taking effect of this act, the same shall therefore take effect and be in force from and after its passage.

CHAPTER XXIV.

AN ACT empowering Boards of County Commissioners to grant the right of way to railroad companies along county roads connecting any city of more than forty thousand inhabitants with suburban towns in the same county, when the owners of three-fourths of the real estate bordering on the line of such road have petitioned or shall petition said board for such purpose.

[APPROVED MARCH 13, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when the owners of three-fourths of the real estate, bordering on a county road which connects a city of more than forty thousand inhabitants with any suburban town situated in the same county, have petitioned, or shall hereafter petition the Board of County Commissioners of such county to grant a railroad company, duly organized under the laws of the State, the right of way along the line of any part of said county road, for the purpose of connecting such city with such suburb, by a line of railroad, and said Commissioners shall be and are hereby empowered to grant such right of way to such railroad company, subject to all the rights of adjoining proprietors who shall not sign such petition.

When Board of County Commissioners may grant right of way to Railroad Co. on county road, for purpose of connecting city with suburban town, by railroad.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act, it is therefore declared that it shall take effect and be in force from and after its passage.

Emergency.

CHAPTER XXV.

AN ACT to amend the 1, 2, 3, 4, 8, 13 and 17th sections of an act entitled "An act to authorize aid to the construction of railroads, by counties and townships taking stock in and making donations to railroad companies," approved May the 12th, 1869.

[APPROVED MARCH 17, 1875.]

- Sec. 1 amended.** SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section one of the above entitled act be amended to read as follows, to-wit: Section 1. That whenever a petition shall be presented to the Board of Commissioners of any county in this State, at any regular or special session thereof, signed by twenty-five freeholders of any township of such county, asking such township to make an appropriation of money to aid a railroad company, named in such petition, and then duly organized under the laws of this State, in constructing a railroad in or through such township, by taking stock in or donating money to such company to an amount specified in such petition, not exceeding, however, two per centum upon the amount of the taxable property of such township on the tax duplicate of the county delivered to the Treasurer of the county for the preceding year, it shall be the duty of such Board of Commissioners, after being satisfied that such petition has been properly signed by the requisite number of freeholders of such township as aforesaid, to cause the same to be entered at full length upon their records.
- On petition of 25 freeholders of township to Board of County Commissioners to make appropriation to aid railroad company, they shall cause same to be entered on record.**
- Amount to be so appropriated shall not exceed two per centum.**
- Sec. 2 amended.** SEC. 2. That section second of said act be amended to read as follows, to-wit: Section 2. The Board of Commissioners shall take said petition under advisement and thereupon order the polls at the several voting places of the township so petitioning to be opened, on a day to be named in the order, which shall not be less than thirty nor more than sixty days thereafter, and the votes of the legal voters of such township named in said petition to be taken upon the subject of appropriating money by such township, for the purpose of aiding in the construction of such railroad as prayed for in said petition. The judges and inspectors of elections shall be governed in the reception of votes by the laws then in force regulating general elections.
- Board of Commissioners shall take such petition under advisement, and order election.**
- Judges and inspectors of such elect on, by what law to be governed.**
- Sec. 3 amended.** SEC. 3. That section three of said act be and the same is amended to read as follows, to-wit: Sec. 3. The Auditor of such county shall immediately give notice to be published for at least four weeks successively in
- Auditor of county shall give notice when polls will be opened.**

some newspaper of general circulation in the county, or if none be published, then in some newspaper most convenient thereto, and by printed hand bills to be posted in ten public places in the township where the appropriation is prayed for in the petition; said hand bills shall be posted by the Sheriff of the county three weeks prior to the day fixed for taking the vote of the township named in said petition, and the same, as well as said newspaper publications, shall notify the qualified voters of said township that that the polls will be opened on the day fixed by the order of the Board of Commissioners at the several voting places in such township, to take the votes of the legal voters thereof upon the subject of such township aiding in the construction of the railroad named in such petition, to an amount to be specified in such notice, and the Auditor of the county shall make his official certificate that said notice was published, and said Sheriff shall make his like certificate that said hand bills were posted as required by this act, which certificates shall be entered upon the records of the Board of Commissioners, and shall be sufficient evidence of the facts therein stated.

Handbills shall be posted up by the sheriff.

What the said notice shall state.

Auditor and sheriff shall make certificates as to notice given, which shall be entered upon records, and be evidence, &c.

SEC. 4. That section four of said act be and the same is amended to read as follows, to-wit: Section 4. The polls shall be opened at the several voting places in the township, by the proper Judges and Inspectors of Elections, on the day fixed by said Commissioners, and the boards shall be organized, and poll books and tally sheets shall be kept, and the whole voting and taking and certifying shall be conducted as nearly as may be in the manner provided by law for conducting the voting and certifying the votes at the general election for State and county officers.

Sec. 4 amended.

When and by whom polls shall be opened, and how election to be conducted.

SEC. 5. That section eight of said act be and the same is amended to read as follows, to-wit: Section 8. If there is more than one election precinct in the township asking to make such appropriation, the inspectors of each precinct, or the judge of the election to whom such certificate, poll book and tally sheet shall have been delivered, shall constitute a board of canvassers, who shall canvas and estimate the certificates, poll books and tally sheets returned by each member of said board, for which purpose they shall assemble at the court house on the Thursday next succeeding the day of such voting, between the hours of ten o'clock, a. m., and six o'clock, p. m. If, however, such township shall have but one election precinct, then the inspector and judges thereof, or any two of them, shall constitute the board of canvassers, and shall meet at the time and place aforesaid and perform the duties aforesaid.

Sec. 8 amended.

Board of canvassers, inspectors and judges shall meet at court house and canvass poll books, &c.

Sec. 12
amended.

Tax levied shall
not exceed two
per centum in
any one period
of two years.

Sec. 17
amended.

When railroad
company shall
have right to
demand and
have money
appropriated
paid over.

Petitioner or
tax payer may
compel the pay-
ment of money
so appropriated.

Provisions of
this act shall
not interfere
with supple-
mentary acts, to
act of which
this is amend-
atory, &c.

This act not to
interfere with
proceedings
taken under
provisions of act
amended by this
act.

SEC. 6. That section thirteen of the above entitled act be and the same is amended to read as follows, to-wit: Section 13. No township shall be authorized by the provisions of this act to appropriate to railroad purposes, or to raise by taxation for such purpose, to exceed two per centum upon the taxables of such township, as said taxables shall appear upon the tax duplicate of the county, in any one period of two years.

SEC. 7. That section seventeen of the above-entitled act be and the same is amended to read as follows, to-wit: Section 17. After the money authorized by this act to be appropriated shall have been levied and collected as aforesaid, and the subscription shall have been made on behalf of the township, the railroad company, for whose aid the same shall have been levied and collected, having fully constructed the railroad contemplated in said petition, so that trains of cars shall pass over the same, shall have the right to demand and have said money paid over according to the intent and meaning of this act, and any one of said petitioners, or any tax payer of the township may compel the same to be done by mandate against the county commissioners.

SEC. 8. Nothing in this act shall be so construed as to, in any way interfere with or impair the provisions of the several acts, supplementary to, and in aid of the acts to which this is amendatory, so far as the same may apply to aid voted to railroad companies, by townships in this State; *Provided, however,* That whenever a vote has been taken in any county, which has resulted in favor of giving aid to any railroad under the provision of the act, of which this is amendatory, the provisions of said act may be continued the same as if this amendatory act had not been enacted; *Provided further,* That when the construction of any railroad has been commenced by means of aid from any of the counties on the line of such road under the provisions of said act, votes may be taken in, and aid given by other counties on the line of such road, when aid has not been refused by vote of such county, under the provisions of the act hereby amended, and the acts supplemental and amendatory thereto.

CHAPTER XXVI.

AN ACT to provide for the recording of Sheriff's certificates in certain cases, and providing payment for the same, and declaring an emergency.

[APPROVED MARCH 15, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when the Sheriff of any county shall sell real estate on an execution or order of sale, issued on a judgment rendered in any court of this State, other than where such Sheriff shall have been elected, he shall, before he delivers to the purchaser of such land a certificate of purchase, cause the said certificate to be recorded in the miscellaneous record of the Recorder of the county where such lands are situated, for which service the said Sheriff may tax and collect for the Recorder the sum of fifty cents.

Sheriff, upon selling land on execution, &c. shall, before delivery of certificate of purchase, have same recorded, &c.

Sheriff fee in such case.

CHAPTER XXVII.

AN ACT providing for serving process upon the officers, directors, attorneys or agents of any steamboat company.

[APPROVED MARCH 13, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all writs, warrants or other process issued or to be issued from any court of competent jurisdiction in this State against the President of any steamboat company, whose principal office is not within this State, may be served on any officer, Director, Captain, Mate, Clerk, Pilot, Wharfmaster who receives and delivers freight for said company, and said service shall be as binding and of the same effect as if the same had been served upon the President of the company; *Provided, however*, That process shall not be served upon any officer, Director, Captain, Mate, Clerk, Pilot, Wharf-master or general agent who may be plaintiff in the suit, or who may have any interest therein against such company; *Provided further*, That at least ten day's notice shall be given of the time and place of the pendency of said suit.

Service of writ, &c. upon Steamboat Co.

CHAPTER XXVIII.

AN ACT to legalize the acts of Boards of Trustees, and other officers of incorporated towns, in cases where the inspectors of elections have failed to make the return of the election of such officers within the time prescribed by law.

[APPROVED MARCH 13, 1875.]

Failure of Inspector of Election in incorporated town to make out certified statement of person elected to office therein, shall not invalidate acts of such officer.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the failure of the inspector of any election held in any incorporated town in this State, to make out a certified statement of the person elected to fill the several offices in said town, over their own signature, and file the same with the Clerk of the Circuit Court of the proper county, within the time required by law, shall not invalidate any of the acts of any officer or officers elected at such election, and all and every of their acts shall be taken and considered as valid as if said certified statement had been filed with the said Clerk within the time prescribed by law, and any and all taxes heretofore assessed by such Boards of Trustees, after the time specified in section 30 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11th, 1852, be and the same are hereby legalized and declared collectable, as if levied according [to] the provisions of said act.

Taxes assessed legalized, &c.

Emergency.

SEC. 2. An emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

CHAPTER XXIX.

AN ACT to amend sections one and four of an act entitled "An act supplementary and amendatory of an act entitled 'An act to provide for a uniform assessment of property and for the collection and return of taxes thereon,'" approved December 21st, 1872, approved March 8th, 1873, and declaring an emergency.

[APPROVED MARCH 13, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Section one (1) of an act entitled "An act supplementary and amendatory of an act entitled 'An act to provide for a uniform assessment of property and for the collection and return of taxes thereon,'" approved December 21st, 1872, approved March 8th, 1873, be and the same is hereby amend[ed] so as to read as follows, to-wit:

SECTION 1. Any person or taxpayer, charged with taxes on a tax duplicate in the hands of a County Treasurer, may pay the full amount of such taxes on or before the third Monday in April, or may, at his option, pay one-half thereof on or before such third Monday, and the remaining half on or before the first Monday of November following: *Provided, however*, That all road taxes so charged shall be paid prior to the first Monday of November in the manner provided by law; *And provided further*, That in all cases where as much as one-half of the amount of taxes charged against a taxpayer shall not be paid on or before the third Monday in April, the whole amount shall become due and be returned delinquent and collected as provided by law.

SEC. 2. *And be it further enacted*, That section four of said act be and the same is hereby amended so as to read as follows, to-wit: Section 4. That section one hundred and fifty-nine of said act be amended to read as follows: The several County Treasurers be and are hereby required, immediately after their April settlement with the County Auditor, either in person or by deputy, to call upon every delinquent tax-payer in their respective counties, and if necessary to distraint property for the collection of such delinquent tax together with ten per centum damage and the costs and charges that accrue. The said Treasurers shall, on the first Monday of November, make settlement with the County Auditors of their respective counties for the amount of such delinquent taxes for which they are to stand

Sec. 1 amended.

Taxes, times of payment.

Road tax, when to be paid.

On failure to pay one-half of tax by 3d Monday in April, whole amount to become due.

Sec. 4 amended.

Delinquent taxes, collection of by County Treasurer.

Time of settlement with County Auditor by County Treasurer for delinquent taxes.

Such settlement, how made.

County Auditor shall send certified copy of statement to Auditor of State. County Auditor shall not credit Treasurer with uncollected delinquency, unless, &c.

In case property shall fail to sell for want of bidders.

Emergency.

charged; said settlement, in all respects, to be made and certified in such manner as the Auditor of State shall direct, and it shall be the duty of the County Auditor to forward a certified copy of such settlement forthwith to the Auditor of State; *Provided*, That County Auditors shall not be authorized to credit the Treasurer with any uncollected delinquency unless such Treasurer shall show, by proper returns, verified by his oath or affirmation, that he has, in each case, for which he claims credit, diligently sought for and has been unable to find any property from which to collect such tax, or that property was levied upon, offered for sale, and failed to sell, or having made a levy he was enjoined or otherwise prevented from making sale or collection by a court of competent jurisdiction; *And provided further*, That in all cases where property shall fail to sell for want of bidders, the County Treasurer shall have power to remove said property to some other township in the county and reoffer the same as in the first instance.

SEC. 3. An emergency is hereby declared to exist for the immediate taking effect of this act, the same shall therefore take effect and be in force from and after its passage.

CHAPTER XXX.

AN ACT to provide for the redemption of personal property sold for taxes.

[APPROVED MARCH 13, 1875.]

How, by whom, and within what times, personal property sold for taxes, may be redeemed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever personal property shall be sold by any County Treasurer for non-payment of taxes, the owner of said property, his widow, heirs, or personal representative shall be entitled to redeem the same by paying to the purchaser thereof, within thirty days after the sale thereof, the amount for which said property was sold, together with the penalties as follows, to-wit: Where the amount for which said property is sold is twenty-five dollars, or less, thirty per cent. penalty; over twenty-five and less than fifty dollars, twenty-five per cent. penalty; over fifty and less than one hundred dollars, twenty per cent. penalty; and one hundred dollars and over, fifteen per cent. penalty.

SEC. 2. If the purchaser of property at any such sale, on being paid, or tendered the amount he paid for such property at such sale, together with the amount of the penalty as provided in the first section of this act, within thirty days after such sale, shall fail and refuse to return and deliver such property to the person entitled to redeem the same, shall be liable to such person for the value of such property at the time of such tender or payment.

If purchaser of property at any such sale, on tender of amount paid, &c. shall fail or refuse to deliver same, he shall be liable for value thereof.

CHAPTER XXXI.

AN ACT to amend section two hundred and five of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21st, 1872.

[APPROVED MARCH 16, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section two hundred and five of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872, be and the same is hereby amended to read as follows, to-wit: The Treasurer of any county, in which there are land or town or city lots which have been returned delinquent for the taxes seven consecutive years, and the taxes remain unpaid, shall advertise and sell as other delinquent lands are sold, except that he shall in such advertisement specify that those lands, town or city lots will be sold to the highest bidder in fee for cash, and when any such lands or lots are thus sold, the Auditor of said county shall give to the purchaser a certificate of purchase, which certificate shall be evidence of purchase and shall entitle the holder, on presentation to the said Auditor of said county, to a deed as in other cases provided by law for making deeds to lands sold for taxes; *Provided,* That in no case a deed be made by said Auditor in a less time than two years after the date of said purchase, and all such lands, or town or city lots so advertised by the County Treasurer, which shall fail to sell for want of bidders, shall be considered forfeited to the State, and be by the County Auditor stricken from the tax duplicate and placed on a book provided for that purpose. The owner of such land or lot, or any person may redeem the same upon application

Section 205 amended.

Sale of lands for taxes which have been returned delinquent for seven consecutive years.

Certificate of purchase shall be given by Auditor.

When purchaser shall be entitled to deed for such land.

When such land shall be considered forfeited, &c.

Redemption of such land.

Such lands
when to be
offered annually
for sale, &c.

When such
lands to be
assessed by
Assessor.

to the proper County Auditor, and by paying to the County Treasurer all taxes, penalty and interest in arrears on said property, and all such property, so redeemed, shall be by the County Auditor entered and continued for taxation on the proper tax duplicate. All such lands or lots, so advertised and which shall fail to sell, shall be offered for sale annually at the time other delinquent lands and lots are sold by the County Treasurer to the highest bidder in fee for cash, without any subsequent advertisement. Such lands and lots, if deemed by the Auditor, Treasurer and Board of Commissioners to be for the public interest at the time of making assessment of real estate, shall be assessed by the County Assessor as other real estate is assessed.

CHAPTER XXXII.

AN ACT to provide for the reimbursement to Adams county of certain taxes illegally assessed and collected, for the year 1869, and paid into State treasury, and declaring an emergency.

[APPROVED MARCH 16, 1875.]

Preamble.

WHEREAS, By the action and proceedings of the State Board of Equalization of 1869, together with the proceedings of certain district boards of equalization of said year, the appraisements of the real property of certain counties of the State, as set out in the report of the Auditor of State for the year 1871, were increased and raised over and above the proper assessment made in such counties by the proper appraisers thereof;

AND WHEREAS, On account of such proceedings of the said boards of equalization, said counties were assessed, taxed and required to pay, and did pay into the State treasury, the respective sums of money hereinafter enumerated, in excess of the amount they would have been required to pay under the proper and legal appraisement;

AND WHEREAS, It has been decided and adjudged by the Supreme Court of the State of Indiana, that the proceedings of said boards of equalization were illegal and void;

AND WHEREAS, Heretofore to-wit, at the last regular session of the General Assembly of this State, a law was enacted entitled "An act to provide for the reimbursement to certain counties therein named &c.," approved March 8, 1873, therein and thereby directing and authorizing certain officers therein named to reimburse certain counties, therein named, certain specified amounts, being sums thus illegally assessed and collected, being the same counties mentioned in said report of the Auditor of State, excepting and omitting the county Adams, inadvertently, though said county of Adams was and is lawfully entitled to a reimbursement of taxes so illegally assessed and collected, in the sum of five hundred and sixty-nine and $\frac{77}{100}$ dollars, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of refunding to the county of Adams the sum of money thus illegally and wrongfully collected therefrom, on account of said illegal and wrongful proceedings of the Boards of Equalization, the following sum of money is hereby appropriated: To the county of Adams the sum of five hundred and sixty-nine dollars and seventy-seven cents, (\$569.77.)

Amount appropriated to Adams county.

SEC. 2 It shall be the duty of the Auditor of State to draw his warrant on the Treasurer of State, in favor of the County Treasurer of said Adams county, for the above sum. It shall be the duty of the Auditor of State, at his next annual settlement with said County Treasurer for State revenue of said county, to allow said County Treasurer said sum as a credit in such settlement, and deliver said warrant to said County Treasurer, and said County Treasurer shall charge himself upon the proper book or books of his county with such amount, and shall account to his county for said sum of money, so credited to him by the Treasurer of State.

How said amount shall be paid to, or credited to said county.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, it is hereby declared to be in force from and after its passage.

Emergency.

CHAPTER XXXIII.

AN ACT to raise revenue for State purposes for the years eighteen hundred and seventy-five and eighteen hundred and seventy-six, and for the payment of the interest on the school bonds, and for the construction of an additional Asylum for the Insane.

[APPROVED MARCH 13, 1875.]

Tax to be
levied to raise
revenue for
State and other
purposes for
1875 and 1876.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a tax for State purposes for the payment of the interest on the school bonds, and for the construction of an additional Asylum for the Insane, of thirteen (13) cents on the one hundred dollars in value of all property entered for taxation in the general list of taxables, and fifty cents on each poll subject by law to taxation, be and the same is hereby authorized and directed to be levied and collected for the present year one thousand eight hundred and seventy-five and for the succeeding year one thousand eight hundred and seventy-six, that a tax, for the same purposes, of thirteen cents on each one hundred dollars in value of all property entered for taxation in the general list of taxables, and fifty cents on each poll subject by law to taxation, be and the same is hereby authorized and directed to be levied and collected.

Emergency.

SEC. 2. An emergency is hereby declared to exist for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

CHAPTER XXXIV.

AN ACT to authorize the United States to procure, by purchase or condemnation, lands within this State in certain cases by ceding jurisdiction over the same.

[APPROVED MARCH 15, 1875.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever the United States shall begin the improvement of any navigable river within or bordering upon this State, by means of locks, dams and adjustable chutes, the consent of the State of Indiana is hereby given to the acquisition by the United States, by purchase or by condemnation, in the manner hereinafter provided, of any lands, buildings or other property necessary for the purpose of erecting thereon dams, abutments, locks, lock keepers' houses, chutes and other necessary structures for the construction and maintenance of slack water navigation on said rivers and the said United States shall have, hold, use and occupy the said land or lands, buildings and other property, when purchased or acquired as provided by this act, and shall exercise jurisdiction and control over the same.

Consent of State granted to United States for purchase or condemnation of lands, &c., for erection of dams, &c., in case of improvement of navigable rivers, &c.,

SEC. 2. If the United States shall determine to take the lands, buildings or other property, necessary for the purposes mentioned in the first section of this act, and can not agree with the owner or owners of such land, buildings or other property, as to the amount of compensation to be made for such taking, the Circuit Court having jurisdiction in the county where such lands, buildings or other property are situated, shall, upon application by either the United States or the owner or owners, or any one in behalf of either, may appoint three disinterested freeholders to ascertain and determine the amount of compensation to be paid to such owner or owners, who shall make a report to the said Court of their award, on or before the first term next after their appointment; *Provided*, That the said United States shall not be authorized to take possession or use, or occupy the lands, buildings or other property [taken] under the provisions of this section, until the amount of said award shall be paid to the owner or owners thereof; *Provided further*, That the said Court may set aside the report of said viewers upon being satisfied that the amount of said award is excessive.

In case amount of compensation for property, cannot be agreed upon by parties, how the same shall be determined.

Lands, &c., shall not be taken until amount of award is paid.

Court may set aside report of viewers.

Penalty for wilfully or maliciously injuring property acquired under provisions of this act, and by what court enforced.

SEC. 3. That if any person or persons shall wilfully or maliciously injure any of the lands, buildings or other property, acquired or held under the provisions of this act, such person or persons shall be liable to a fine of not less than twenty dollars and to an imprisonment of not exceeding six months, or both or either, at the discretion of the court; said offense to be prosecuted and punished in any court of competent jurisdiction.

ERRATA.

Page 10, Section 14, line 4, for "repairs" read "current repairs."

Page 11, Section 27, line 2, for "sixty dollars" read "sixty-five dollars."

Page 12, Section 37, line 2, after the word "cents" insert the words "for per diem and expenses."

Page 27, Section 25, at beginning of line 10, for "said" read "such."

Page 28, Section 29, line 7, for "pending" read "pendency," also in same line for "proceeding" read proceedings."

Page 29, Chapter 6, Section 2, for "corporation" at end of said section read "corporations."

Page 35, Section 10, at end of line 15, for "for" read "per."

Page 42, Section 23½, lines 15 and 16, for "Circuit, Criminal Circuit Court, Prosecuting Attorney," read "Circuit or Criminal Circuit Court Prosecuting Attorney."

CERTIFICATE.

STATE OF INDIANA, ss:

OFFICE OF SECRETARY OF STATE, }

I, John E. Neff, Secretary of State for the State of Indiana, certify that I have compared the foregoing printed with the enrolled Acts, from which the same were taken, now on file in my office, and have found them correctly printed, except as indicated in the foregoing errata. Words included [thus] were by me inserted to aid the sense.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Indiana, at the city of Indianapolis, this 15th day of July, A. D. 1875.

[SEAL.]

JOHN E. NEFF,
Secretary of State.

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